



REPUBLIC OF BOTSWANA

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Government Notice No. 320 of 2018

ROAD TRANSPORT (PERMITS) ACT
(Cap. 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap. 69:03 (Sub. Leg.))

Application for Road Transport Permits - "P" - Permits

NOTICE IS HEREBY GIVEN that in accordance with regulation 4 of the Road Transport (Permits) Regulations, the applicants for Road Transport Permits, listed in the first column of the Schedule to this Notice, will have their applications heard at a public sitting on 25th June, 2018 at Gold Valley Conference Room, Department of Road Transport and Safety Office (Marang Super Spar Mall). The hearings will start at 0900 hours.

Representations and objections to the said applications shall be made to the Station Manager, Department of Road Transport and Safety, P.O. Box 128, Francistown, and to the applicants by registered mail so as to reach the addressees not later than 21 days after this Notice has appeared in the *Gazette*.

SCHEDULE

<i>Name and Address of the Applicant</i>	<i>Application Number</i>	<i>Route Applied For</i>
Songelwa Ruben P.O. Box 50448 Gaborone	RTS1236614	Maitengwe Taxi Service
Tholakele Chinyama P.O. Box 10467 Lobatse	RTS1235286	Francistown – Tatisiding Route 2
Lorato Sibusitswe Isaac P.O. Box 175 Ramokgwebana	RTS1235765	Ramokgwebana Taxi Service
Gift Solly P.O. Box 25 Maitengwe	RTS1235297	Maitengwe Taxi Service
Caison Chinyama P.O. Box 10467 Lobatse	RTS1235199	Tatisiding Taxi Service
Emmanuel Nthoiwa Private Bag N006 Nata	RTS1234794	Nata Taxi Service
Margret Sakuringwa P.O. Box 301057 Francistown	RTS1234516	Tatisiding Taxi Service
Margret Sakuringwa P.O. Box 301057 Francistown	RTS1234	Borolong Taxi Service
Dijore Investments P.O. Box 30889 Francistown	RTS1236050	Tutume – Mahalapye via Palapye 0830 hours – 0830 hours 1030 hours – 1030 hours 1230 hours – 1230 hours 1430 hours – 1430 hours 1600 hours – 1600 hours
Mpho Lungisani P.O. Box 02 Sivia	RTS1239150	Francistown – Themashanga 1230 hours – 0830 hours 1630 hours – 1330 hours 1930 hours – 1130 hours 2100 hours – 2030 hours
Maikano Phuma P.O. Box 3171 Nswazi Mall	RTS1237847	Nata – Gweta via Dzoroga 0730 hours – 0930 hours 1100 hours – 1230 hours 1330 hours – 1430 hours

Godfrey Mahewe P.O. Box 20525 Francistown	RTS1235639	Francistown – Masingwaneng 1000 hours – 0700 hours 1300 hours – 1500 hours 1700 hours – 1800 hours Francistown – Shashemooke
Tholakele Chinyama P.O. Box 10467 Lobatse	RTS1235502	
Bee Nelson Kalichi P.O. Box 402780 Gaborone	RTS1235499	Tutume – Maitengwe
Tholakele Chinyama P.O. Box 10467 Lobatse	RTS1235284	Francistown – Masunga via Tshesebe 0900 hours – 1200 hours 1700 hours – 1900 hours
Caison Chinyama P.O. Box 10467 Lobatse	RTS1235283	Francistown – Masunga via Tshesebe 0800 hours – 1100 hours 1500 hours – 1700 hours 1900 hours – 2000 hours
Ohithilwe Gaboganetswe P.O. Box 491 Masunga	RTS1235285	Francistown – Masunga via Tshesebe 0700 hours – 0630 hours 0930 hours – 0930 hours 1200 hours – 0930 hours 1200 hours – 1230 hours 1430 hours – 1530 hours 1800 hours – 1630 hours Francistown – Shashemooke
Caison Chinyama P.O. Box 10467 Lobatse	RTS1235201	
Overt Kings Expresso (Pty) Ltd P.O. Box 193 Tonota	RTS1235110	Francistown – Kasane 0730 hours – 1330 hours 1530 hours – 2200 hours
Seobe Tirafalo Private Bag 1 Makaleng	RTS1234971	Sebina – Tutume 0630 hours – 0800 hours 1000 hours – 1200 hours 1400 hours – 1700 hours
Seobe Tirafalo Private Bag 1 Makaleng	RTS1234966	Francistown – Kutamogoree 0930 hours – 0630 hours 1230 hours – 1430 hours 1600 hours – 1800 hours
Joel Unangoni Muke Private Bag F9 Francistown	RTS1234438	Francistown – Moria via Martins Drift 1700 hours – 1700hrs
Boetelo Gaebolae P.O. Box 150309 Tonota	RTS1234510	Francistown – Martins Drift via Palapye 0930 hours – 0930 hours 1430 hours – 1430 hours

DATED this 29th day of May, 2018.

G. I. SAUDU,
Road Transport Controller.

Government Notice No. 321 of 2018

ROAD TRANSPORT (PERMITS) ACT
(Cap. 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap. 69:03 (Sub. Leg.))

Application for Road Transport Permits - "P" - Permits

NOTICE IS HEREBY GIVEN that in accordance with regulation 4 of the Road Transport (Permits) Regulations, the applicants for Road Transport Permits, listed in the first column of the Schedule to this Notice, will have their applications heard at a public sitting on 26th June, 2018 at Gold Valley Conference Room, Department of Road Transport and Safety Office (Marang Super Spar Mall). The hearings will start at 0900 hours.

Representations and objections to the said applications shall be made to the Station Manager, Department of Road Transport and Safety, P.O. Box 128, Francistown, and to the applicants by registered mail so as to reach the addressees not later than 21 days after this Notice has appeared in the *Gazette*.

SCHEDULE

<i>Name and Address of the Applicant</i>	<i>Application Number</i>	<i>Route Applied for</i>
Onneile Nnyana Botlele P.O. Box 1994 Francistown	RTS1239153	Francistown – Tsamaya 0930 hours – 0730 hours 2030 hours – 1930 hours
Overt Kings Expresso (Pty) Ltd P.O. Box 193 Tonota	RTS1239438	Francistown – Dittladi via Tonota 0800 hours – 0700 hours
Simisani Manako P.O. Box 30782 Francistown	RTS1239460	Francistown – Masunga via Tshesebe 0700 hours – 1100 hours 1400 hours – 1700 hours
Thembelani Mawochi P.O. Box 196 Makaleng	RTS1239466	Francistown – Masunga via Tshesebe 0600 hours – 1000 hours 1300 hours – 1600 hours
Godfrey Ali Masole P.O. Box 10180 Francistown	RTS1239774	Francistown – Mosetse 0700 hours – 0900 hours 1400 hours – 1700 hours
Mpho Lungisani P.O. Box 20335 Francistown	RTS1240020	Francistown – Tsamaya 1330 hours – 0830 hours 1530 hours – 0930 hours 1730 hours – 1130 hours
Kotlhao M.S Kgope P.O. Box 49 Francistown	RTS1240096	Mathangwane – Tonota via Shashemooke 0600 hours – 1000 hours 1200 hours – 1430 hours 1500 hours – 1600 hours
Tebogo Kgwatalala Private Bag 40 Francistown	RTS1240144	Francistown – Maun via Letlhakane 0530 hours – 0530 hours 1400 hours – 1400 hours
Nomsa Matobo P.O. Box 20 Mosetse	RTS1240139	Francistown – Masunga via Tshesebe 1400 hours – 0700 hours 1700 hours – 1100 hours 1900 hours – 1630 hours
Kgotla Oreeditse P.O. Box 11899 Kanye	RTS1239027	Francistown – Dittladi 0900 hours – 0700 hours 1000 hours – 1100 hours 1200 hours – 1200 hours 1430 hours – 1500 hours 1500 hours – 1600 hours 1600 hours – 1730 hours 1800 hours – 1900 hours

Kgotla Oreeditse P.O. Box 11899 Kanye	RTS1239026	Francistown – Mabesekwa via Tonota 1000 hours – 0700 hours 1200 hours – 0800 hours 1300 hours – 0900 hours 1430 hours – 1100 hours 1600 hours – 1300 hours 1800 hours – 1600 hours 1930 hours – 1730 hours
Alfred Basinyi P.O. Box 2216 Gaborone	RTS1238940	Francistown – Mabesekwa via Tonota 0930 hours – 0630 hours 1100 hours – 0830 hours 1400 hours – 1030 hours 1500 hours – 2000 hours 1700 hours – 1500 hours 1830 hours – 1700 hours 1930 hours – 1800 hours
Alfred Basinyi P.O. Box 2216 Gaborone	RTS1238933	Francistown – Ditladi 0930 hours – 0800 hours 1100 hours – 1000 hours 1400 hours – 1300 hours 1630 hours – 1400 hours 1700 hours – 1700 hours 1900 hours – 1800 hours 2000 hours – 1930 hours
Disweets Investments P.O. Box 500085 Francistown	RTS1238820	Francistown – Serowe 1930 hours – 1830 hours 2030 hours – 2030 hours
Gorathamang Zhisani P.O. Box 202966 Gaborone	RTS1238660	Tutume – Nata 0700 hours – 1000 hours 1300 hours – 1700 hours
Kudzani Malobela P.O. Box 20513 Monarch	RTS1238594	Francistown – Goshwe via Tutume 1100 hours – 1600 hours 1700 hours – 1830 hours
Lawa Holdings (Pty) Ltd P.O. Box 10883 Francistown	RTS1238519	Francistown – Gaborone via Shoshong via Molepolole 2100 hours – 2100 hours 2130 hours – 2130 hours
Chrome Irish Holdings P.O. Box 491 Masunga	RTS1238133	Francistown – Masunga via Tshesebe 0600 hours – 0700 hours 0800 hours – 0900 hours 1200 hours – 1400 hours
Motswakae Mathibelela P.O. Box 491 Masunga	RTS1238125	Francistown – Masunga via Tshesebe 1500 hours – 1630 hours 1700 hours – 1900 hours 2000 hours – 2100 hours
Kabo Pitso P.O. Box 63 Kgagodi	RTS1238124	Francistown – Kasane 0830 hours – 2130 hours 1630 hours – 2230 hours
Eric Sebele P.O. Box 3396 Francistown	RTS1237886	Francistown – Martins Drift via Palapye 0700 hours – 1200 hours
Kabo Pitso P.O. Box 63 Kgagodi	RTS1237411	Francistown – Maun via Nata 0800 hours – 0800 hours 1600 hours – 1600 hours 1700 hours – 1700 hours
Touch Area (Pty) Ltd P.O. Box 20944 Mochudi	RTS1237592	Francistown – Mutare via Ramokgwebana Border 1500 hours – 1600 hours 1530 hours – 1630 hours 1600 hours – 1730 hours 1630 hours – 1830 hours 1730 hours – 1900 hours

Beauty Moyo P.O. Box 3239 Francistown	RTS1237251	Masunga – Ramokgwebana via Mosojane
Ruth Phillimon P.O. Box 150190 Tonota	RTS1236919	Francistown – Serule 0900 hours – 1300 hours 1500 hours – 1700 hours
Metlha Phera P.O. Box 150190 Tonota	RTS1236900	Francistown – Maun via Letlhakane 1430 hours – 0530 hours 2100 hours – 1030 hours
Metlha Phera P.O. Box 150190 Tonota	RTS1236898	Francistown – Kasane 0630 hours – 0630 hours 1930 hours – 1930 hours
Gift Moffat P.O. Box 3096 Francistown	RTS1236600	Francistown – Masunga via Tshesebe 1030 hours – 0630 hours 1700 hours – 1400 hours
Joel Boy P.O. Box 20657 Francistown	RTS1236850	Francistown – Maun via Letlhakane 0700 hours – 1300 hours 0900 hours – 0930 hours 1130 hours – 1600 hours 1630 hours – 1400 hours
Disweets Investments (Pty) Ltd P.O. Box 500085 Francistown	RTS1236791	Francistown – Masunga via Sebina 0830 hours – 1030 hours 1330 hours – 1730 hours
Disweets Investments (Pty) Ltd P.O. Box 500085 Francistown	RTS1236794	Francistown – Masunga via Mosojane 0830 hours – 1130 hours 1430 hours – 1730 hours
Gift Moffat P.O. Box 3096 Francistown	RTS1236604	Francistown – Matsiloje 0430 hours – 0630 hours 1330 hours – 1630 hours
Moses Dijeng P.O. Box 267 Francistown	RTS1236417	Dimladi – Francistown 0530 hours – 0630 hours 0730 hours – 0830 hours 0930 hours – 1100 hours 1230 hours – 1330 hours 1500 hours – 1700 hours 1800 hours – 1900 hours 2000 hours – 2100 hours
Edwin Zimba P.O. Box 98 Tsetsebye	RTS1236020	Tsetsebye – Francistown 0530 hours – 0630 hours 0830 hours – 0930 hours 1130 hours – 1230 hours
Morake Annanah P.O. Box 601093 Gaborone	RTS1236017	Francistown – Masunga via Tshesebe 0530 hours – 0530 hours 0600 hours – 0600 hours 0800 hours – 0800 hours 0830 hours – 0830 hours 1200 hours – 1200 hours 1330 hours – 1330 hours 1600 hours – 1600 hours
Manowe Mogotsi P.O. Box 763 Sebele	RTS1236012	Francistown – Masunga via Tshesebe 0900 hours – 0900 hours 0930 hours – 0930 hours 1230 hours – 1230 hours 1300 hours – 1300 hours 1530 hours – 1530 hours 1630 hours – 1630 hours 1700 hours – 1700 hours
Emmanuel Masole P.O. Box 1316 Francistown	RTS1235931	Francistown – Masunga via Tshesebe 0800 hours – 0700 hours

Kopano Chalibe Alfred
P.O. Box 385
Masunga
Ruben Songelwa
P.O. Box 50448
Gaborone
Emmanuel Masole
P.O. Box 1316
Francistown

RTS1236662

RTS1236611

RTS1235933

1200 hours – 1100 hours
1400 hours – 1500 hours
1630 hours – 1700 hours
Ramokgwebana Taxi Service

Maitengwe Taxi Service

Francistown – Gerald Estates Route 2

DATED this 29th day of May, 2018.

G. I. SAUDU,
Road Transport Controller.

Government Notice No. 322 of 2018

ROAD TRANSPORT (PERMITS) ACT
(Cap. 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap. 69:03 (Sub. Leg.))

Application for Road Transport Permits - "P"- Permits

NOTICE IS HEREBY GIVEN that in accordance with regulation 4 of the Road Transport (Permits) Regulations, the applicants for Road Transport Permits, listed in the first column of the Schedule to this Notice, will have their applications heard at a public sitting on 27th June, 2018 at Gold Valley Conference Room, Department of Road Transport and Safety Office (Marang Super Spar Mall). The hearings will start at 0900 hours.

Representations and objections to the said applications shall be made to the Station Manager, Department of Road Transport and Safety, P.O. Box 128, Francistown, and to the applicants by registered mail so as to reach the addressees not later than 21 days after this Notice has appeared in the *Gazette*.

SCHEDULE

<i>Name and Address of the Applicant</i>	<i>Application Number</i>	<i>Route Applied for</i>
Kgakgamatso Molelowakgosi P.O. Box 20321 Francistown	RTS1243297	Francistown – Sowa 0730 hours – 0530 hours 0930 hours – 1330 hours 1830 hours – 1730 hours
Kgakgamatso Molelowakgosi P.O. Box 20321 Francistown	RTS1243290	Francistown – Serowe 0500 hours – 0530 hours 1130 hours – 0930 hours 1630 hours – 1430 hours 1830 hours – 1830 hours 1930 hours – 1900 hours
Chimilo Moshoeshoe P.O. Box 355 Mathangwane	RTS1243338	Sebina Taxi Service
Bose Mpathi P.O. Box 292 Maitengwe	RTS1244593	Maitengwe Taxi Service

Lebogang Ditshenyegelo P.O. Box 2988 Francistown	RTS1244697	Francistown – Masunga via Mosojane 0630 hours – 1030 hours 0930 hours – 1130 hours 1430 hours – 1630 hours
Lebogang Ditshenyegelo P.O. Box 2988 Francistown	RTS1244694	Francistown – Masunga via Mosojane 1330 hours – 1630 hours 1130 hours – 1230 hours 1730 hours – 1730 hours
Jacob Maposa P.O. Box 879 Kasane	RTS1244711	Francistown – Matsitama 0700 hours – 1130 hours 1600 hours – 1800 hours
Tony Chalashika P.O. Box 121 Masunga	RTS1244663	Francistown – Masunga via Tshesebe 0930 hours – 0630 hours 1300 hours – 0830 hours 1430 hours – 1100 hours 1630 hours – 1230 hours
Milton Moyo P.O. Box 51 Matsiloje	RTS1244782	Francistown – Motopi 0530 hours – 0800 hours 1100 hours – 0830 hours
Belihla Paul P.O. Box 20201 Francistown	RTS1244812	Tatisiding Taxi Service
Mpho Lungisani P.O. Box 20335 Themashanga	RTS1244826	Francistown – Tshesebe 1030 hours – 0630 hours 1530 hours – 1330 hours 1730 hours – 1630 hours 1930 hours – 1830 hours
Mbakiso Oteng Matobo P.O. Box 420 Sebina	RTS1244897	Francistown – Nata 0700 hours – 1000 hours
Mbakiso Oteng Matobo P.O. Box 420 Sebina	RTS1244904	Francistown – Palapye 0900 hours – 1300 hours
Gorata Precious Phaka P.O. Box 293 Selebi-Phikwe	RTS1245006	Francistown – Gerald Route 1
Gorata Precious Phaka P.O. Box 293 Selebi-Phikwe	RTS1245003	Francistown – Gerald Route 2
Mmoloki Stephen P.O. Box 36180 Francistown	RTS1245048	Francistown – Patayamatebele 0800 hours – 1000 hours 1200 hours – 1300 hours 1500 hours – 1700 hours 1900 hours
Mogomotsi Olebeng P.O. Box 113 Maitengwe	RTS1245098	Francistown – Maitengwe 0600 hours – 1030 hours 0900 hours – 1330 hours 1600 hours – 1830 hours
Godfrey Ben P.O. Box 111 Serule	RTS1245548	Tshesebe Taxi Service
Lizzie Khampe P.O. Box 301027 Francistown	RTS1240769	Masunga – Ramokgwebana 0630 hours – 0830 hours 1030 hours – 1330 hours 1530 hours – 1630 hours
Person Rauwe P.O. Box 36070 Francistown	RTS1240766	Masunga – Ramokgwebana 0730 hours – 0530 hours 1300 hours – 0930 hours 1730 hours – 1430 hours
Kesegofetse O. Rauwe P.O. Box 36070 Francistown	RTS1241677	Ramokgwebana – Masunga 0730 hours – 0930 hours 1230 hours – 1430 hours 1730 hours – 1830 hours

Kato David Mongalenyane P.O. Box 501196 Gaborone	RTS1240782	Dukwi Taxi Service
Kato David Mongalenyane P.O. Box 501196 Gaborone	RTS1240785	Nata Taxi Service
Paticia Naledi Rauwe P.O. Box 36070 Francistown	RTS1241044	Ramokgwebana – Masunga 0730 hours – 0930 hours 1230 hours – 1430 hours 1730 hours – 1830 hours
Monica Phoenix Tombo P.O. Box 11135 Francistown	RTS1242416	Francistown – Lusaka via Kazungula 0630 hours – 0630 hours 1900 hours – 0630 hours
Lawa Holdings (Pty) Ltd P.O. Box 10883 Tatitown	RTS1242475	Francistown – Lusaka via Kazungula Border 0530 hours – 0530 hours 2130 hours – 0900 hours
Tingayi Majeremane P.O. Box 20666 Francistown	RTS1242586	Francistown – Maun via Letlhakane 1030 hours – 0830 hours 1230 hours – 1130 hours 1630 hours – 1530 hours
Tingayi Majeremane P.O. Box 20666 Francistown	RTS1242721	Francistown – Sowa 0830 hours – 0530 hours 0930 hours – 1630 hours
Tingayi Majeremane P.O. Box 20666 Francistown	RTS1242722	Francistown – Masunga via Tshesebe 1230 hours – 0630 hours 1530 hours – 0830 hours 1630 hours – 1030 hours 1730 hours – 1630 hours
Promvi Holding (Pty) Ltd P.O. Box 272 Tatisiding	RTS1242777	Francistown – Kasane via Kazungula 0730 hours – 0730 hours 1230 hours – 0930 hours 1330 hours – 1230 hours 2230 hours – 2230 hours
Kherebu Mangoyane P.O. Box 299 Gweta	RTS1242287	Gweta – Sowa town 0900 hours – 1330 hours

DATED this 29th day of May, 2018.

G. I. SAUDU,
Road Transport Controller.

Government Notice No. 323 of 2018

ROAD TRANSPORT (PERMITS) ACT
(Cap. 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap. 69:03 (Sub. Leg.))

Application for Road Transport Permits -“P”- Permits

NOTICE IS HEREBY GIVEN that in accordance with regulation 4 of the Road Transport (Permits) Regulations, the applicants for Road Transport Permits, listed in the first column of the Schedule to this Notice, will have their applications heard at a public sitting on 28th June, 2018 at Gold Valley Conference Room, Department of Road Transport and Safety Office (Marang Super Spar Mall). The hearings will start at 0900 hours.

Representations and objections to the said applications shall be made to the Station Manager, Department of Road Transport and Safety, P.O. Box 128, Francistown, and to the applicants by registered mail so as to reach the addressees not later than 21 days after this Notice has appeared in the *Gazette*.

SCHEDULE

<i>Name and Address of the Applicant</i>	<i>Application Number</i>	<i>Route Applied for</i>
Michael Mangoyane P.O. Box 299 Gweta	RTS1242269	Gweta – Sowa 1030 hours – 1430 hours
Joseph Tshupo P.O. Box 298 Sekakangwe	RTS1242235	Tutume – Masunga via Sebina 0800 hours – 1000 hours 1200 hours – 1400 hours 1600 hours – 1800 hours
Lulwamani Chawangwa P.O. Box 126 Francistown	RTS1242230	Francistown – Masunga via Tshesebe 0800 hours – 1700 hours
Viola Majaye P.O. Box 126 Francistown	RTS1242227	Francistown – Masunga via Tshesebe 0800 hours – 1700 hours
Bakani Dombodema Majaye P.O. Box 126 Francistown	RTS1242231	Francistown – Masunga via Tshesebe 1430 hours – 1100
Greeff Ventures (Pty) Ltd P.O. Box 60728 Gaborone	RTS1242068	Francistown – Maun via Letlhakane 0600 hours – 1430 hours
Atamelang Athholang P.O. Box 280 Tutume	RTS1241986	Tutume – Nata 1100 hours – 1700 hours
Joel Boy P.O. Box 20657 Francistown	RTS1241958	Francistown – Sowa 1030 hours – 0630 hours 1430 hours – 0730 hours 1730 hours – 0830 hours
Jacob Didimalang Mothetho P.O. Box 14 Marobela	RTS1241738	Masingwaneng – Francistown 0730 hours – 0900 hours 1100 hours – 1330 hours 1500 hours – 1700 hours
Motshidisi Mosalagae P.O. Box 943 Letlhakane	RTS1241939	Letlhakane – Francistown 1930 hours – 1930 hours
Rakubu Gabaitiwe P.O. Box 189 Tatisiding	RTS1241718	Francistown – Martins Drift via Palapye 1200 hours – 1000 hours 1400 hours – 1600 hours
Botsadi Jwame (Pty) Ltd P.O. Box 35 Sowa Town	RTS1241265	Francistown – Maun via Letlhakane 0930 hours – 0830 hours 1000 hours – 1030 hours 1230 hours – 1130 hours 1400 hours – 1400 hours 1500 hours – 1530 hours
Botsadi Jwame (Pty) Ltd P.O. Box 35 Sowa Town	RTS1241263	Francistown – Maun via Letlhakane 1600 hours – 1630 hours 1700 hours – 1830 hours 1900 hours – 1930 hours 2030 hours – 2100 hours 2130 hours – 2200 hours 2230 hours – 2300 hours
Sipho Clinton Ntinima P.O. Box 30782 Francistown	RTS1241201	Francistown – Masunga via Tshesebe 1030 hours – 0630 hours 1700 hours – 1400 hours

Tafila Madikwe P.O. Box 36097 Francistown	RTS1241197	Tatisiding Taxi Service
Simisani Manako P.O. Box 30782 Francistown	RTS1240756	Francistown – Masunga via Tshesebe 0830 hours – 1130 hours 1830 hours – 2000 hours
Tapet Investment (Pty) Ltd P.O. Box 20401 Francistown	RTS1240757	Francistown – Masunga via Tshesebe 0600 hours – 1430 hours 1700 hours – 1900 hours
Shadukani Manako P.O. Box 30782 Francistown	RTS1240761	Francistown – Masunga via Tshesebe 0530 hours – 0930 hours 1330 hours – 1930 hours
Emmelina Manako P.O. Box 30782 Francistown	RTS1240760	Francistown – Masunga via Tshesebe 1230 hours – 0530 hours 1930 hours – 1530 hours
Promvi Holding (Pty) Ltd P.O. Box 272 Tatisiding	RTS1242775	Francistown – Ghanzi via Maun 0930 hours – 0930 hours 1930 hours – 1930 hours 2000 hours – 2000 hours 2030 hours – 2030 hours
Magama Isaac P.O. Box 299 Gweta	RTS1243173	Gweta – Sowa 0700 hours – 1200 hours
Maxwell Maphosa P.O. Box 139 Masunga	RTS1243024	Masunga – Moroka via Ramokgwebana 0630 hours – 0830 hours 1030 hours – 1230 hours 1430 hours – 1630 hours 1730 hours – 1830 hours
Maxwell Maphosa P.O. Box 139 Masunga	RTS1243030	Masunga – Moroka via Ramokgwebana 0600 hours – 0800 hours 1000 hours – 1200 hours 1400 hours – 1600 hours 1730 hours – 1830 hours
Kotlhao Kgope P.O. Box 49 Francistown	RTS1243241	Francistown – Matopi via Matsiloje 1100 hours – 0800 hours 1300 hours – 1500 hours
Tebogo Sekonopo P.O. Box 119 Francistown	RTS1244584	Mathangwane – Tonota 0600 hours – 0900 hours 1100 hours – 1300 hours 1400 hours – 1500 hours 1600 hours – 1700 hours
Kamela Travel and Tours P.O. Box 46772 Gaborone	RTS1244458	Gaborone – Ramokgwebana 0930 hours – 0930 hours 1100 hours – 1230 hours 1330 hours – 1330 hours 1630 hours – 1600 hours 1900 hours – 1900 hours 2100 hours – 2100 hours
Kamela Travel and Tours P.O. Box 46772 Gaborone	RTS1244464	Francistown – Gaborone 1900 hours – 1900 hours 2230 hours – 2030 hours
Reuben Willyem P.O. Box 1508 Francistown	RTS1244449	Francistown – Chadibe
Christinah Judge P.O. Box 193 Maitengwe	RTS1244369	Francistown – Letsholathebe via Sebina 0800 hours – 1400 hours 0930 hours – 1330 hours 1100 hours – 1500 hours
Charles Mudongo P.O. Box 11397 Francistown	RTS1244354	Francistown – Matsitama 1630 hours – 1430 hours 1930 hours – 1730 hours

Laone Tumo Modimoeng P.O. Box 3198 Gaborone	RTS1244166	Francistown – Serowe 0430 hours – 0430 hours 0500 hours – 1630 hours 1930 hours – 1900 hours 2030 hours – 2030 hours
Tumediso Monyamane P.O. Box 441 Tutume	RTS1244153	Tutume – Nata 0700 hours – 1000 hours 1300 hours – 1600 hours 1600 hours – 1700 hours
Atithu Aron P.O. Box 474 Masunga	RTS1244099	Francistown – Masunga via Tshesebe 0900 hours – 0600 hours
Stephen Mandevu P.O. Box 100 Zwenshambe	RTS1243821	Francistown – Masunga via Mosojane 1230 hours – 0830 hours
Patience Thulani Majola Private Bag 1 Ramokgwebana	RTS1243690	Francistown – Moroka 1200 hours – 0800 hours 1600 hours – 1400 hours
Patience Thulani Majola Private Bag 1 Ramokgwebana	RTS1243691	Francistown – Masunga via Tshesebe 0700 hours – 0900 hours 1030 hours – 1130 hours 1300 hours – 1400 hours 1500 hours – 1630 hours 1700 hours – 1830 hours

DATE this 29th day of May, 2018.

G. I. SAUDU,
Road Transport Controller.

Government Notice No. 324 of 2018

ROAD TRANSPORT (PERMITS) ACT
(Cap. 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap. 69:03 (Sub. Leg.))

Application for Road Transport Permits -“P”- Permits

NOTICE IS HEREBY GIVEN that in accordance with regulation 4 of the Road Transport (Permits) Regulations, the applicants for Road Transport Permits, listed in the first column of the Schedule to this Notice, will have their applications heard at a public sitting on 29th June, 2018 at Gold Valley Conference Room, Department of Road Transport and Safety Office (Marang Super Spar Mall). The hearings will start at 0900 hours.

Representations and objections to the said applications shall be made to the Station Manager, Department of Road Transport and Safety, P.O. Box 128, Francistown, and to the applicants by registered mail so as to reach the addressees not later than 21 days after this Notice has appeared in the *Gazette*.

SCHEDULE

Name and Address of the Applicant	Application Number	Route Applied for
Lebogang Ditshenyegelo P.O. Box 2988 Francistown	RTS1246041	Francistown – Patayamatebele via Tonota 0800 hours – 0600 hours 0630 hours – 1000 hours 1400 hours – 1700 hours

Oteng Express (Pty) Ltd P.O. Box 134 Tutume Tumelo Awee P.O. Box 29 Nata	RTS1249117	Francistown – Bobonong 1130 hours – 0630 hours 1630 hours – 1430 hours Nata Taxi Service
Kealeboga Dipogiso P.O. Box 1459 Letlhakane	RTS1250008	
Kealeboga Dipogiso P.O. Box 1459 Letlhakane	RTS1249980	Francistown – Bobonong 1930 hours – 1200 hours
Jeyi Nzwaliqwa P.O. Box 15 Tutume	RTS1249983	Orapa – Francistown via Letlhakane 0800 hours – 1900 hours
Mooketsi Buka P.O. Box 107 Sebina	RTS1245599	Francistown – Goshwe via Tutume 1400 hours – 0830 hours
Itireleng A. Malambani P.O. Box 20918 Francistown	RTS1245526	Francistown – Masunga via Mosojane 0600 hours – 0530 hours 0730 hours – 0700 hours 0900 hours – 1100 hours 1600 hours – 1300 hours 1700 hours – 1800 hours
Goitseone Mazaru P.O. Box 35 Sowatown	RTS1245720	Mathangwane – Tonota 0600 hours – 0900 hours 1100 hours – 1300 hours 1500 hours – 1700 hours
Goitseone Mazaru P.O. Box 35 Sowatown	RTS1245732	Mosus – Francistown 0830 hours – 1200 hours 1100 hours – 1700 hours 1200 hours – 1800 hours
Kgosietsile Mazaru P.O. Box 35 Sowatown	RTS1245722	Mosetse – Tutume 0700 hours – 1000 hours 0800 hours – 1500 hours 1300 hours – 1800 hours
Nkono Nchidzi P.O. Box 20918 Francistown	RTS1245727	Mosetse – Tutume 0900 hours – 1100 hours 1200 hours – 1400 hours 1500 hours – 1600 hours
Chipo Thipe P.O. Box 16 Maun	RTS1245729	Tonota – Mathangwane 0600 hours – 0900 hours 1100 hours – 1300 hours 1500 hours – 1700 hours
Chipo Thipe P.O. Box 16 Maun	RTS1245744	Francistown – Harare 1600 hours – 1930 hours 1700 hours – 2000 hours
Olekantse Mmusi P.O. Box 20516 Francistown	RTS1245741	Francistown – Harare 1230 hours – 1830 hours 1430 hours – 1900 hours
Zaziba Investment (Pty) Ltd P.O. Box 70 Makaleng Babakisi Bonesani P.O. Box 10081 Francistown	RTS1245745	Francistown – Machaneng via Palapye 0630 hours – 0630 hours 0830 hours – 0930 hours 1530 hours – 1230 hours 1700 hours – 1530 hours 2000 hours – 2000 hours
	RTS1245762	Francistown – Letlhakane 0930 hours – 1330 hours
	RTS1245902	Francistown – Nata 1230 hours – 1630 hours 1430 hours – 1730 hours 1630 hours – 0030 hours

Babakisi Bonesani P.O. Box 10081 Francistown Lungisani Mpho P.O. Box 20335 Francistown	RTS1245908	Tutume – Gaborone 2100 hours – 0800 hours 2000 hours – 1000 hours
	RTS1245929	Francistown – Siviya 1100 hours – 0600 hours 1300 hours – 1430 hours 1600 hours – 1730 hours 1930 hours – 2030 hours
Mosweu Victor Private Bag 40 Francistown	RTS1245934	Mathangwane – Tonota via Shashemooke 0630 hours – 0930hrs 1130 hours – 1330hrs 1430 hours – 1530hrs 1630 hours – 1730hrs
Nakisani Dzene Private Bag Sow 72 Sowa town	RTS1245970	Francistown – Maun via Letlhakane 0800 hours – 0800 hours 0830 hours – 0930 hours 1030 hours – 1100 hours 1130 hours – 1230 hours 1300 hours – 1330 hours 1430 hours – 1500 hours
Nakisani Dzene Private Bag Sow 72 Sowa town	RTS1245974	Francistown – Maun via Letlhakane 1530 hours – 1600 hours 1630 hours – 1700 hours 1830 hours – 1900 hours 1930 hours – 2030 hours 2100 hours – 2130 hours 2200 hours – 2230 hours Nswazwi Taxi Service
Letso Besa Private Bag F312 Francistown Keitsile Investment P.O. Box 21454 Gaborone Kefilwe Gomba Private Bag 34 Mapoka Kabo C. Plaatjie P.O. Box 36070 Francistown	RTS1245983	
	RTS1246080	Francistown – Masukwane via Mulambakwena 1400 hours – 0600 hours 1830 hours – 0700 hours
	RTS1246091	Francistown – Kazungula Border 0600 hours – 0600 hours 1400 hours – 1400 hours
	RTS1241427	Masunga – Ramokgwebana 0630 hours – 0830 hours 1030 hours – 1330 hours 1530 hours – 1630 hours Tatisiding Taxi Service
Seonyatseng Mpenyu P.O. Box 401 Francistown Atithu Aron P.O. Box 474 Masunga Uyapo Shakes Malomo P.O. Box 187 Francistown	RTS1248937	
	RTS1249309	Francistown – Letsholathebe via Tshesebe 0900 hours – 0600 hours
	RTS1249347	Francistown – Masukwane via Tshesebe 0900 hours – 0700 hours 1300 hours – 1100 hours 1700 hours – 1500 hours Maitengwe Taxi Service
Ikaneng Naomi P.O. Box 226 Tutume Mpotsang Monna P.O. Box 780 Tutume Motion CO Investments (Pty) Ltd P.O. Box 360 Marapong Lance Mosweu P.O. Box 15 Marapong	RTS1249467	
	RTS1246260	Maitengwe Taxi Service
	RTS1246268	Sebina Taxi Service
	RTS1246274	Tonota – Ditladi

Orderly Dube P.O. Box 544 Mogoditshane Gakenaope Tapela P.O. Box 868 Tutume	RTS1246355	Francistown – Themashanga 1800 hours – 1600 hours 2100 hours – 2000 hours Marobela – Tutume via Sebina 0600 hours – 0900 hours 1200 hours – 1400 hours 1600 hours – 1800 hours Kutamogoree – Tutume via Sebina 0700 hours – 1000 hours 1100 hours – 1400 hours 1700 hours – 1900 hours
Gakenaope Tapela P.O. Box 868 Tutume	RTS1246501	Francistown – Mapoka 0600 hours – 1200 hours 1500 hours – 1700 hours 1900 hours – 2100 hours
Kearabilwe Neo Bafaneli P.O. Box 20602 Francistown	RTS1246524	Francistown – Gweta 0700 hours – 1100 hours 1730 hours – 1930 hours
Batsile Godwill Ofhithile P.O. Box 82106 Gaborone	RTS1246719	
	RTS1246700	

DATED this 29th day of May, 2018.

G. I. SAUDU,
Road Transport Controller.

Government Notice No. 325 of 2018

ROAD TRANSPORT (PERMITS) ACT
(Cap. 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap. 69:03 (Sub. Leg.))

Application for Road Transport Permits – “P”- Permits

NOTICE IS HEREBY GIVEN that in accordance with regulation 4 of the Road Transport (Permits) Regulations, the applicants for Road Transport Permits, listed in the first column of the Schedule to this Notice, will have their applications heard at a public sitting on 25th June, 2018 at Department of Transport and Safety Conference Room. The hearings will start at 0900 hours.

Representations and objections to the said applications shall be made to the Station Manager, Department of Road Transport and Safety, P.O. Box 682, Selebi-Phikwe, and to the applicants by registered mail so as to reach the addressees not later than 21 days after this Notice has appeared in the *Gazette*.

SCHEDULE

Name and Address of Applicant	Application Number	Route Applied for
Oboile Kangangwane P.O. Box 9 Serule	RTS11252344	Serule Taxi Service
Jonathan Mupamhanga P.O. Box 1771 Selebi-Phikwe	RTS1250927	Selebi-Phikwe – Mmadinare via Letsibogo
Azhane Sisco Matange Private Bag 0026 Selebi-Phikwe	RTS1251626	Mmadinare – Robelela
Keorapetse Moetse P.O. Box 177 Serule	RTS1251290	Serule Taxi Service

Omphile Molebe P.O. Box 1625 Selebi-Phikwe Sebongile Piet P.O. Box 25 Mandunyane Senyorita & Sons (Pty) Ltd P.O. Box 1625 Selebi-Phikwe	RTS1238132	Selebi-Phikwe – Francistown 1100 hours – 0730 hours 1000 hours – 1930 hours Serule Taxi Service
	RTS1238409	
	RTS1238208	Selebi-Phikwe – Damuchujenaa 1000 hours – 0600 hours 0900 hours – 1200 hours 0600 hours – 0900 hours 0700 hours – 1700 hours 1900 hours – 1800 hours Mmadinare Taxi Service
Senyorita & Sons (Pty) Ltd P.O. Box 1625 Selebi-Phikwe Itireleng Phuthogo P.O. Box 1308 Selebi-Phikwe Itireleng Phuthogo P.O. Box 1308 Selebi-Phikwe Osupile Letsogile P.O. Box 211 Francistown Moakanyi Koontse P.O. Box 1741 Selebi-Phikwe Kgalushi Investments (Pty) Ltd P.O. Box 101 Molalatau Collen Maruping P.O. Box 47 Thebephatshwa	RTS1238127	
	RTS1237019	Serule Taxi Service
	RTS1237012	Sefhophe Taxi Service
	RTS1237401	Mmadinare Taxi Service
	RTS1237918	Mmadinare Taxi Service
	RTS1240270	Selebi-Phikwe – Bobonong 0800 hours – 1000 hours 1300 hours – 1500 hours Tobane – Tshokwe
	RTS1240235	

DATED this 29th day of May, 2018.

G. I. SAUDU,
Road Transport Controller.

Government Notice No. 326 of 2018

ROAD TRANSPORT (PERMITS) ACT
(Cap. 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap. 69:03 (Sub. Leg.))

Application for Road Transport Permits -“P”- Permits

NOTICE IS HEREBY GIVEN that in accordance with regulation 4 of the Road Transport (Permits) Regulations, the applicants for Road Transport Permits, listed in the first column of the Schedule to this Notice, will have their applications heard at a public sitting on 26th June, 2018 at Department of Transport and Safety Conference Room. The hearings will start at 0900hrs.

Representations and objections to the said applications shall be made to the Station Manager, Department of Road Transport and Safety, P.O. Box 682, Selebi-Phikwe, and to the applicants by registered mail so as to reach the addressees not later than 21 days after this Notice has appeared in the *Gazette*.

SCHEDULE

<i>Name and Address of Applicant</i>	<i>Application Number</i>	<i>Route Applied for</i>
Jonathane Muphamanga P.O. Box 1771 Selebi-Phikwe	RTS1240408	Selebi-Phikwe – Johannesburg
Natani Michael P.O. Box 11176 Selebi-Phikwe	RTS1240177	Selebi-Phikwe – Johannesburg
Maiteko Morapetsane P.O. Box 1957 Selebi-Phikwe	RTS1240317	Selebi-Phikwe – Orapa via Serule & Palapye 0630 hours – 0600 hours 1100 hours – 1100 hours 1600 hours – 1600 hours 1800 hours – 1800 hours Sefhophe Taxi Service
Boitsholo Mooketsi P.O. Box 26036 Game City, Gaborone	RTS1240623	
Boitumelo Machete P.O. Box 92 Mathathane	RTS1236567	Bobonong – Mathathane 0730 hours – 1030 hours 1330 hours – 1530 hours
Boitumelo Machete P.O. Box 92 Mathathane	RTS1236569	Bobonong – Motlhabaneng 1030 hours – 0830 hours 1630 hours – 1330 hours
Lentletse Mponang P.O. Box 405316 Gaborone	RTS1236601	Serule Taxi Service
Jasper Ngwenya P.O. Box 1749 Selebi-Phikwe	RTS1240166	Selebi-Phikwe – Johannesburg
Gokwadiwe Chombo P.O. Box 250178 Maun	RTS1239569	Bobonong – Mabolwe 0600 hours – 0630 hours 0700 hours – 0730 hours 0830 hours – 1100 hours 0930 hours – 1300 hours 1430 hours – 1630 hours 1930 hours – 1730 hours 2000 hours – 1930 hours Mmadinare Taxi Service
Gaolathe Koolebetse P.O. Box 31337 Serowe	RTS1236494	
Gaolathe Koolebetse P.O. Box 31337 Serowe	RTS1236495	Serule Taxi Service
Z. Sinombe & Transport P.O. Box 30432 Metsef, Francistown	RTS1264866	Selebi-Phikwe – Francistown 2100 hours – 2100 hours
Goganamang Keipone P.O. box 3046 Selebi-Phikwe	RTS1236134	Selebi-Phikwe – Francistown 1100 hours – 0730 hours
Mpho Lebelelang P.O. Box 1347 Bobonong	RTS1236263	Bobonong – Tsetsebjwe 1100 hours – 0900 hours 1300 hours – 1500 hours 1600 hours – 1800 hours
Mpho Lebelelang P.O. Box 1347 Bobonong	RTS1236260	Bobonong – Mabolwe 0930 hours – 0630 hours 1430 hours – 1130 hours 1930 hours – 1730 hours Staff Transport
Proto Tech Investments P.O. Box 2532 Selebi-Phikwe	RTS1245388	

Bushman Richard Toto P.O. Box 15 Tsabong	RTS1245660	Mmadinare Taxi Service
Bushman Richard Toto P.O. Box 15 Tsabong	RTS1245666	Mmadinare Taxi Service
Pule Gilbert Boiki P.O. Box 130 Selebi-Phikwe	RTS1246054	Selebi-Phikwe School Bus
Alfred Freddy Morapedi P.O. Box 500276 Francistown	RTS1244053	Mmadinare – Robelela
Poloko Mhato P.O. Box 443 Selebi-Phikwe	RTS1243877	Serule Taxi Service
John Koone P.O. Box 10093 Selebi-Phikwe	RTS1244348	Mmadinare Taxi Service
Batlanang Watshipi P.O. Box 1660 Selebi-Phikwe	RTS1245061	Mmadinare Taxi Service
Gokwadilwe Chobo P.O. Box 250178 Maun	RTS1241395	Bobonong – Lentswelemoriti 0700 hours – 0630 hours 0830 hours – 0830 hours 1200 hours – 1030 hours 1330 hours – 1300 hours 1600 hours – 1430 hours 1730 hours – 1600 hours 1900 hours – 1800 hours Mmadinare Taxi Service
Godfrey Seponono P.O. Box 10329 Selebi-Phikwe	RTS1241332	
Nyaladzi Dehlane P.O. Box 2297 Selebi-Phikwe	RTS1241073	Selebi-Phikwe – Damochujenaa 1100 hours – 0900 hours
BCL Limited P.O. Box 3 Selebi-Phikwe	RTS1241832	Own Account
Kepateletswe Monamati Private Bag 01 Selebi-Phikwe	RTS1241502	Mmadinare Taxi Service
Kgalushi Investments P.O. Box 101 Molalatau	RTS1241570	Selebi-Phikwe – Johannesburg
Thomamo Malemenyane P.O. Box 1434 Bobonong	RTS1241461	Mothabaneng – Bobonong 0730 hours – 1200 hours 1530 hours – 1730 hours
Bond with the Best (Pty) Ltd P.O. Box 143 Serule	RTS1246343	Serule Taxi Service

DATED this 29th day of May, 2018.

G. I. SAUDU,
Road Transport Controller.

Government Notice No. 327 of 2018

ROAD TRANSPORT (PERMITS) ACT
(Cap. 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap. 69:03 (Sub. Leg.))

Application for Road Transport Permits - "P" - Permits

NOTICE IS HEREBY GIVEN that in accordance with regulation 4 of the Road Transport (Permits) Regulations, the applicants for Road Transport Permits, listed in the first column of the Schedule to this Notice, will have their applications heard at a public sitting on 27th June, 2018 at Department of Transport and Safety Conference Room. The hearings will start at 0900 hours.

Representations and objections to the said applications shall be made to the Station Manager, Department of Road Transport and Safety, P.O. Box 682, Selebi-Phikwe, and to the applicants by registered mail so as to reach the addressees not later than 21 days after this Notice has appeared in the *Gazette*.

SCHEDULE

<i>Name and Address of Applicant</i>	<i>Application Number</i>	<i>Route Applied for</i>
Tshidiso Thathi Motladiile P.O. Box 282 Moshupa	RTS1232538	Mmadinare Taxi Service
Kebao Morake P.O. Box 1243 Bobonong	RTS1245661	Molalatau Taxi Service
Kaboyamodimo Joseph P.O. Box 2690 Serowe	RTS1246734	Serule Taxi Service
The Angle View Group P.O. Box 1957 Selebi-Phikwe	RTS1246503	Mmadinare Taxi Service
Keorapetse Tshupegu P.O. Box 1210 Selebi-Phikwe	RTS1263793	Selebi-Phikwe – Serowe 0530 hours – 0530 hours 0800 hours – 1130 hours 1300 hours – 1330 hours 1530 hours – 1830 hours
Sinyoritha & Sons (Pty) Ltd P.O. Box 1625 Selebi-Phikwe	RTS1263714	Selebi-Phikwe – Bobonong 1300 hours – 1800 hours 1700 hours – 1500 hours
Keorapetse Tshupegu P.O. Box 1210 Selebi-Phikwe	RTS1263791	Selebi-Phikwe – Bobonong 0530 hours – 0530 hours 0800 hours – 1200 hours 1300 hours – 1800 hours 1330 hours – 1900 hours
Resego Mpoto P.O. Box 472 Mmadinare	RTS1263927	Mmadinare Taxi Service
Moeteledi Senna P.O. Box 10284 Selebi-Phikwe	RTS1263840	Selebi-Phikwe – Tobane
Keorapetse Tshupegu P.O. Box 1210 Selebi-Phikwe	RTS1263792	Selebi-Phikwe – Francistown 2100 hours – 2100 hours 2130 hours – 2130 hours
Openwise Hands investment P.O. Box 2940 Selebi-Phikwe	RTS1263711	Mabolwe – Bobonong 0730 hours – 0930 hours 1300 hours – 1430 hours

Pearl Mochabo P.O. Box 1058 Mmadinare	RTS1262530	Mmadinare Taxi Service
Edward Masilo P.O. Box 3135 Selebi-Phikwe	RTS1262914	Tiny Tots School Bus
Mompoti Robert Private Bag 001 Selebi-Phikwe	RTS1262004	Mmadinare – Selebi-Phikwe School Bus
Issac Itumeleng P.O. Box 10742 Selebi-Phikwe	RTS1262159	Machaneng – Selebi-Phikwe 0900 hours – 1630 hours
Thathayaone Nelson Legwatagwata Private Bag 8 Maun	RTS1261373	Mmadinare Taxi Service
Badisa Polai P.O. Box 2900 Selebi-Phikwe	RTS1261152	Mmadinare Taxi Service
Mathale Keitsemetsa P.O. Box 197 Mmadinare	RTS1260614	Mmadinare Taxi Service
William Nchawa P.O. Box 591 Bobonong	RTS1260556	Bobonong – Mathathane 0630 hours – 1030 hours 1230 hours – 1430 hours 1630 hours – 1830 hours
William Nchawa P.O. Box 591 Bobonong	RTS1260552	Bobonong – Mabolwe 0700 hours – 1130 hours 1430 hours – 1730 hours 1930 hours – 1930 hours
Selelo Phatshwane P.O. Box 1440 Bobonong	RTS1260558	Selebi-Phikwe School Bus
The Angle View Group P.O. Box 1957 Selebi-Phikwe	RTS1235681	Selebi-Phikwe – Mmadinare via Letsibogo
Agang Mokwadi Manyatse P.O. Box 129 Selebi-Phikwe	RTS1258356	Selebi-Phikwe – Tsetsebjwe 1700 hours – 1000 hours
Gokwadilwe Chombo P.O. Box 250178 Maun	RTS1257981	Selebi-Phikwe – Mathathane 0800 hours – 0700 hours 1000 hours – 0900 hours 1200 hours – 1100 hours 1400 hours – 1300 hours 1600 hours – 1500 hours 1800 hours – 1700 hours
Gokwadilwe Chombo P.O. Box 250178 Maun	RTS1257978	Selebi-Phikwe – Mabolwe 0600 hours – 0600 hours 0800 hours – 0800 hours 1000 hours – 1000 hours 1400 hours – 1400 hours 1700 hours – 1700 hours
Odirile Phokoje P.O. Box 1531 Bobonong	RTS1257154	Bobonong – Tobane 0600 hours – 0800 hours 1000 hours – 1200 hours 1400 hours – 1600 hours 1700 hours – 1800 hours
Victor Mpho Modise P.O. Box 104 Mmadinare	RTS1255025	Mmadinare Taxi Service

Moseki Tirelo
P.O. Box 797
Mmadinare
Edwin Radinonyane
P.O. Box 681
Mmadinare

RTS1253821

Selebi-Phikwe – Mmadinare School Bus

RTS1264536

Mmadinare Taxi Service

DATED this 29th day of May, 2018.

G. I. SAUDU,
Road Transport Controller.

Government Notice No. 328 of 2018

ROAD TRANSPORT (PERMITS) ACT
(Cap. 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap. 69:03 (Sub. Leg.))

Application for Road Transport Permits -“P”- Permits

NOTICE IS HEREBY GIVEN that in accordance with regulation 4 of the Road Transport (Permits) Regulations, the applicants for Road Transport Permits, listed in the first column of the Schedule to this Notice, will have their applications heard at a public sitting on 28th June, 2018 at Department of Transport and Safety Conference Room. The hearings will start at 0900 hours.

Representations and objections to the said applications shall be made to the Station Manager, Department of Road Transport and Safety, P. O. Box 682, Selebi-Phikwe, and to the applicants by registered mail so as to reach the addressees not later than 21 days after this Notice has appeared in the Gazette.

SCHEDULE

<i>Name and Address of Applicant</i>	<i>Application Number</i>	<i>Route Applied for</i>
Lesego Akanyang P.O. Box 1742 Selebi-Phikwe	RTS1265649	Mmadinare Taxi Service
Boiketo T. Oathotse P.O. Box 582 Mmadinare	RTS1266312	Mmadinare Taxi Service
Serumola Samuel P.O. Box 80 Molalatau	RTS1266080	Molalatau Taxi Service
Omphile Molebe P.O. Box 1625 Selebi-Phikwe	RTS1266665	Selebi-Phikwe – Francistown 1600 hours – 0500 hours 1800 hours – 0530 hours
Itereleng Phuthogo P.O. Box 1508 Selebi-Phikwe	RTS1267880	Mmadinare Taxi Service
Johanne Samuel P.O. Box 65 Mmadinare	RTS1269378	Mmadinare Taxi Service
Flexible Deals Investments (Pty) Ltd P.O. Box 10175 Botshabelo	RTS1269775	Bobonong – Selebi-Phikwe 1200 hours – 0800 hours 1500 hours – 0900 hours

Hansis cab services P.O. Box 166 Bobonong	RTS1267130	1700 hours – 1300 hours 1500 hours Mabolwe – Bobonong 0730 hours – 0930 hours 1130 hours – 1430 hours 1630 hours – 1930 hours Bobonong – Tsetsebjwe 0600 hours – 0830 hours 1030 hours – 1230 hours 1600 hours – 1730 hours Tsetsebjwe Taxi Service
Keorapetse Masilo P.O. Box 166 Bobonong	RTS1267096	
Loius G. Magopolo P.O. Box 1672 Mahalapye Galebolae Moathodi P.O. Box 370 Selebi-Phikwe Patrick keokilwe P.O. Box 1455 Selebi-Phikwe Boitshepho Kebatho P.O. Box 1 Mmadinare	RTS1270590	
	RTS1270799	Selebi-Phikwe Taxi Service
	RTS1271112	Mmadinare Taxi Service
	RTS1271406	Majwaneng – Selebi-Phikwe via Lerala & Ratholo 0800 hours – 0830 hours 1130 hours – 1130 hours 1330 hours – 1400 hours Selebi-Phikwe Staff Transport
Doubletax Holdings P.O. Box 11353 Palapye Shae Monakwane P.O. Box 1479 Selebi-Phikwe Abel Mahula P.O. Box 1186 Selebi-Phikwe Olopile C. Kemomnye P.O. Box 3 Serule Grindwell (Pty) Ltd P.O. Box 10187 Selebi-Phikwe Grindwell (Pty) Ltd P.O. Box 10187 Selebi-Phikwe Innocent Obonetse P.O. Box 2065 Selebi-Phikwe Onalenna Phuthego P.O. Box 841 Mmadinare Dhang Ngwenya P.O. Box 2838 Selebi-Phikwe Dipela (Pty) Ltd P.O. Box 40928 Gaborone Joseph Tukisi P.O. Box 923 Tsetsebjwe Godfrey Seponono P.O. Box 10329 Selebi-Phikwe Moemedi Motlogelwa P.O. Box 1614 Moshupa	RTS1272391	
	RTS1272811	Mmadinare Taxi Service
	RTS1272916	PPC Staff Transport
	RTS1273841	Serule Taxi Service
	RTS1274679	Own Account
	RTS1274742	Own Account
	RTS1274660	Selebi-Phikwe – Lerala 0900 hours – 1700 hours
	RTS1274397	Mmadinare School Bus
	RTS1273186	Selebi-Phikwe – Tsetsebjwe 1100 hours – 1300 hours Additional Selebi-Phikwe – Tsetsebjwe 0530 hours – 0900 hours 1300 hours – 1900 hours Selebi-Phikwe – Tsetsebjwe 1300 hours – 1100 hours Additional Selebi-Phikwe – Tsetsebjwe 0900 hours – 1100 hours 1800 hours – 1930 hours Mmadinare Taxi Service
	RTS1271483	
	RTS1269796	
	RTS1268946	
	RTS1273174	

Moemedi Motlogelwa P.O. Box 1614 Moshupa Diketso B. Marumo P.O. Box 306 Bobonong Ishmael Legae P.O. Box 1371 Bobonong	RTS1273177	Mmadinare Taxi Service
	RTS1273945	Bobonong Taxi Service
	RTS1274890	Bobonong – Mabolwe 0900 hours – 1130 hours 1430 hours – 1300 hours 1600 hours
	RTS1274852	Additional Bobonong – Tsetsebye 0730 hours – 1000 hours 1230 hours – 1430 hours 1630 hours – 1800 hours
Seikgoso Monakane P.O. Box 93 Kgagodi Kenneth Kenesi Madzadza P.O. Box 2813 Selebi-Phikwe Makgosa Botsweletse P.O. Box 34 Molalatau	RTS1274879	Selebi-Phikwe – Lesenepole 1330 hours – 0800 hours
	RTS1274964	Selebi-Phikwe – Mogapi 1200 hours – 1000 hours 1630 hours – 1500 hours
	RTS1275046	Bobonong – Mabolwe 0830 hours – 0630 hours 1430 hours – 1130 hours 1930 hours – 1730 hours

DATED this 29th day of May, 2018.

G. I. SAUDU,
Road Transport Controller.

Government Notice No. 329 of 2018

ROAD TRANSPORT (PERMITS) ACT
(Cap. 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap. 69:03 (Sub. Leg.))

Application for Road Transport Permits - "P" - Permits

NOTICE IS HEREBY GIVEN that in accordance with regulation 4 of the Road Transport (Permits) Regulations, the applicants for Road Transport Permits, listed in the first column of the Schedule to this Notice, will have their applications heard at a public sitting on 29th June, 2018 at Department of Transport and Safety Conference Room. The hearings will start at 0900 hours.

Representations and objections to the said applications shall be made to the Station Manager, Department of Road Transport and Safety, P.O. Box 682, Selebi-Phikwe, and to the applicants by registered mail so as to reach the addressees not later than 21 days after this Notice has appeared in the *Gazette*.

SCHEDULE

<i>Name and Address of Applicant</i>	<i>Application Number</i>	<i>Route Applied for</i>
Tshegofatso Mothathego P.O. Box 41 Francistown Kgosiemang Mathake P.O. Box 656 Mmadinare	RTS1276510	Gobojango Taxi Service
	RTS1276039	Mmadinare Taxi Service

Sinyoritha & Sons (Pty) Ltd P.O. Box 1625 Selebi-Phikwe	RTS1275728	Mmadinare – Robelela
Gosiame Dicheto P.O. Box 2046 Selebi-Phikwe	RTS1276426	Sefhophe Taxi Service
Gosiame Dicheto P.O. Box 2046 Selebi-Phikwe	RTS1276424	Sefhophe Taxi Service
Sinyoritha & Sons (Pty) Ltd P.O. Box 1625 Selebi-Phikwe	RTS1275730	Bobonong – Lepokole
Sinyoritha & Sons (Pty) Ltd P.O. Box 1625 Selebi-Phikwe	RTS1275734	Bobonong – Lepokole
Terra Conservancy Operation P.O. Box 294 Gaborone	RTS1275337	Tour Operation
Kenneth K. Madzadza P.O. Box 2813 Selebi-Phikwe	RTS1275273	Selebi-Phikwe – Tsetsebjwe 0900 hours – 0530 hours 1300 hours – 1100 hours
Kepaletswe Kapaletswe P.O. Box 611 Mmadinare	RTS1275218	Mmadinare Taxi Service
Kenneth K. Madzadza P.O. Box 2813 Selebi-Phikwe	RTS1275165	Selebi-Phikwe – Mogapi 0930 hours – 0800 hours 1430 hours – 1130 hours
Tsaone Obonetse P.O. Box 2065 Selebi-Phikwe	RTS1275146	Selebi-Phikwe – Lerale 0700 hours – 1500 hours
Thabana Mmula P.O. Box 5 Molalatau	RTS1276492	Bobonong – Mathathane 0530 hours – 0730 hours 1030 hours – 1230 hours 1430 hours – 1530 hours 1830 hours – 1930 hours

DATED this 29th day of May, 2018.

G.I. SAUDU,
Road Transport Controller.

Government Notice No. 330 of 2018

ROAD TRANSPORT (PERMITS) ACT
(Cap. 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap. 69:03 (Sub. Leg.))

Application for Road Transport Permits -“P”- Permits

NOTICE IS HEREBY GIVEN that in accordance with regulation 4 of the Road Transport (Permits) Regulations, the applicants for Road Transport Permits, listed in the first column of the Schedule to this Notice, will have their applications heard at a public sitting on 25th June, 2018 at Honey moon Hotel. The hearings will start at 0900 hours.


Representations and objections to the said applications shall be made to the Station Manager, Department of Road Transport and Safety, Private Bag 92, Serowe, and to the applicants by registered mail so as to reach the addressees not later than 21 days after this Notice has appeared in the *Gazette*.

SCHEDULE

<i>Name and Address of Applicant</i>	<i>Application Number</i>	<i>Route applied for</i>
Kesaolopa Super Setle P.O. Box 297	RTS1234037	Lethakane Taxi Service (Regazettment)
Palapye Kesaolopa Super Setle P.O. Box 297	RTS1234034	Orapa Taxi Service (Regazettment)
Palapye King Onkemetse Disana P.O. Box 294 Lethakane	RTS1238095	Orapa Taxi Service (Regazettment)
Diamond Travel & Tours (Pty) Ltd P.O. Box 20657 Monarch, Francistown	RTS1249043	Serowe – Molepolole via Moiyabana, Lephepe (Regazettment) 0630 hours – 0630 hours 0930 hours – 0930 hours 1600 hours – 1600 hours 1630 hours – 1630 hours 1700 hours – 1700 hours Lethakane Taxi Service
Lesego David Private Bag 0026 Gaborone	RTS1253629	
M.G. Tatolo Investments (Pty) Ltd P.O. Box 1729 Serowe	RTS1253548	Serowe – Paje
Obusitwe Kamogelo P.O. Box 1543 Lethakane	RTS1253944	Lethakane Taxi Service
Pelotshweu Khunong P.O. Box 1896 Serowe	RTS1274338	Serowe Taxi Service
Orphan Construction (Pty) Ltd P.O. Box 7 Mahalapye	RTS1254090	Rakops – Lethakane 0530 hours – 0900 hours 1200 hours – 1530 hours Lethakane Taxi Service
Lesedi Kelesweditse P.O. Box 1223 Lethakane	RTS1261177	
Lesedi Kelesweditse P.O. Box 1223 Lethakane	RTS1261178	Orapa Taxi Service
Kefilwe Molefe P.O. Box 80 Morwa	RTS126196	Serowe – Orapa via Lethakane 0600 hours – 0600 hours 0800 hours – 0800 hours 0900 hours – 0900 hours 1200 hours – 1200 hours 1300 hours – 1300 hours 1400 hours – 1400 hours 1500 hours – 1500 hours
Kefilwe Molefe P.O. Box 80 Morwa	RTS1258817	Selebi-Phikwe – Serowe via Serule 0600 hours – 0600 hours 0700 hours – 0700 hours 0800 hours – 0800 hours 1000 hours – 1000 hours 1300 hours – 1300 hours 1400 hours – 1400 hours 1500 hours – 1500 hours Mabeleapodi – Serowe
Tshepiso Onkalotse P.O. Box 171 Makaleng	RTS1260215	

Tshiamo Raseete P.O. Box 10007 Woodhall	RTS1255306	Letlhakane – Orapa
Lobatse Onalethata Neo P.O. Box 20259 Mahalapye	RTS1255555	Letlhakane Taxi Service
Goitseone Mahwa P.O. Box 1200 Serowe	RTS1255548	Orapa Taxi Service
Mogogi Gabobofane P.O. Box 1057 Serowe	RTS1255292	Serowe – Paje
Smooth Journey Enterprises (Pty) Ltd P.O. Box 1353 Orapa	RTS1253506	Letlhakane – Mmatshumo
Smooth Journey Enterprises (Pty) Ltd P.O. Box 1353 Orapa	RTS1253507	Letlhakane – Mmatshumo
Smooth Journey Enterprises (Pty) Ltd P.O. Box 1353 Orapa	RTS1253520	Letlhakane Taxi Service
Oratile Maruapula P.O. Box 83 Orapa	RTS1256405	Letlhakane Taxi Service
Malebogo Botipeng P.O. Box 2287 Serowe	RTS1259749	Orapa Taxi Service
Malebogo Botipeng P.O. Box 2287 Serowe	RTS1259754	Letlhakane Taxi Service
Kamotu Services (Pty) Ltd P.O. Box 870 Orapa	RTS1250861	Serowe Taxi Service
Gabaoreke Chonnies Leselamotlhako P.O. Box 588 Orapa	RTS1250677	School Bus
Gabaoreke Chonnies Leselamotlhako P.O. Box 588 Orapa	RTS1250678	Staff Transport
Omphile Keleapere P.O. Box 2248 Serowe	RTS1250680	Rakops – Letlhakane 1500 hours – 1900 hours 1900 hours – 2000 hours
Nchidzi Modise P.O. Box 656 Orapa	RTS1250384	Letlhakane Taxi Service
Kefilwe Simololang P.O. Box 155 Orapa	RTS126126	Orapa Taxi Service
Gokwadilwe Chombo P.O. Box 250178 Maun	RTS1259873	Serowe – Ramotkgwebana Border via Francistown 0600 hours – 0600 hours 1000 hours – 1000 hours 1200 hours – 1200 hours 1400 hours – 1400 hours 1600 hours – 1600 hours 1800 hours – 1800 hours 2000 hours – 2000 hours

DATED this 29th day of May, 2018.


 M. M. M. M. M.

Government Notice No. 331 of 2018

ROAD TRANSPORT (PERMITS) ACT
(Cap. 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap. 69:03 (Sub. Leg.))

Application for Road Transport Permits - "P"- Permits

NOTICE IS HEREBY GIVEN that in accordance with regulation 4 of the Road Transport (Permits) Regulations, the applicants for Road Transport Permits, listed in the first column of the Schedule to this Notice, will have their applications heard at a public sitting on 26th June, 2018 at Honey Moon Hotel. The hearings will start at 0900 hours.

Representations and objections to the said applications shall be made to the Station Manager, Department of Road Transport and Safety, Private Bag 92, Serowe, and to the applicants by registered mail so as to reach the addressees not later than 21 days after this Notice has appeared in the *Gazette*.

SCHEDULE

<i>Name and Address of Applicant</i>	<i>Application Number</i>	<i>Route applied for</i>
Oaitse Tlape P.O. Box 505171 Rail Park Gaborone	RTS1249406	Lethakane Taxi Service
Oaitse Tlape P.O. Box 505171 Rail Park Gaborone	RTS1249410	Lethakane Taxi Service
Kamotu Services (Pty) Ltd P.O. Box 870 Orapa	RTS1250862	Serowe Taxi Service
Lesego Bakani P.O. Box 3 Lethakane	RTS12489260	Lethakane Taxi Service
Busani Moipapatsi P.O. Box 943 Lethakane	RTS1265170	Lethakane Taxi Service
Kesegofetse Khumo P.O. Box 458 Serowe	RTS1265198	Lethakane Taxi Service
Babone Leonetse P.O. Box 579 Mahalapye	RTS1265199	Lethakane Taxi Service
Israel Mazaru P.O. Box 35 Sowa-Town	RTS1265207	Serowe – Molepolole via Shoshong 1000 hours – 1200 hours 1100 hours – 1400 hours 1500 hours – 1500 hours
Botsadi Jwame (Pty) Ltd P.O. Box 35 Sowa-Town	RTS1265202	Serowe – Molepolole via Shoshong 0730 hours – 0630 hours 1130 hours – 1030 hours 1530 hours – 1330 hours
Monica Otladisa P.O. Box 418 Orapa	RTS1265197	Lethakane Taxi Service
Monkgogi Ntshasang P.O. Box 893 Lethakane	RTS1265196	Lethakane Taxi Service

Barati Maikaelelo P.O. Box 30 Letlhakane Wabofelo Mogomelo P.O. Box 681 Letlhakane Mmoloki Wilfred Borumolano P.O. Box 1302 Letlhakane Basetšana Othutitse P.O. Box 2684 Serowe Lefoko Montwedi P.O. Box 674 Letlhakane Mpho Oepile Private Bag 091 Serowe Lerako Kwathao P.O. Box 692 Letlhakane Lerako Kwathao P.O. Box 692 Letlhakane Lerako Kwathao P.O. Box 692 Letlhakane Lerako Kwathao P.O. Box 692 Letlhakane Roman Catholic Church P.O. Box 112 Serowe Bathophilwe Tom Ketlhalotswe P.O. Box 1121 Orapa Tsholofetso P. Thogokima P.O. Box 303 Letlhakane Z. Sinombe & Transport (Pty) Ltd P.O. Box 30432 Metsef Francistown	RTS1265193 RTS1265191 RTS1265189 RTS1265190 RTS1264977 RTS1264884 RTS1265002 RTS1265009 RTS1265011 RTS1265014 RTS1266233 RTS1265921 RTS1265556 RTS1265984	Letlhakane Taxi Service Letlhakane Taxi Service Letlhakane Taxi Service Letlhakane Taxi Service Letlhakane Taxi Service Letlhakane Taxi Service Orapa Taxi Service Letlhakane Taxi Service Letlhakane Taxi Service Orapa Taxi Service Own Account Mokoboxane Taxi Service Letlhakane Taxi Service Letlhakane – Mmatshumo 1000 hours – 0600 hours 1030 hours – 0630 hours 1630 hours – 1130 hours 1700 hours – 1330 hours Letlhakane Taxi Service
Thabang Otamile P.O. Box 1121 Orapa Pauros Ncube P.O. Box 10020 Palapye Letsile Raymond Mosweu P.O. Box 1781 Serowe Tsholofetso Precious Thogokima P.O. Box 303 Letlhakane Reetsang Monnatsie P.O. Box 596 Orapa	RTS1265939 RTS1265900 RTS1265537 RTS1265582 RTS1265729	Letlhakane Taxi Service Letlhakane Taxi Service Letlhakane Taxi Service Letlhakane Taxi Service Letlhakane Taxi Service

DATED this 29th day of May, 2018.

G. I. SAUDU,
Road Transport Controller.

Government Notice No. 332 of 2018

ROAD TRANSPORT (PERMITS) ACT
(Cap. 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap. 69:03 (Sub. Leg.))

Application for Road Transport Permits - "P"- Permits

NOTICE IS HEREBY GIVEN that in accordance with regulation 4 of the Road Transport (Permits) Regulations, the applicants for Road Transport Permits, listed in the first column of the Schedule to this Notice, will have their applications heard at a public sitting on 27th June, 2018 at Honey Moon Hotel. The hearings will start at 0900 hours.

Representations and objections to the said applications shall be made to the Station Manager, Department of Road Transport and Safety, Private Bag 92, Serowe, and to the applicants by registered mail so as to reach the addressees not later than 21 days after this Notice has appeared in the *Gazette*.

SCHEDULE

<i>Name and Address of Applicant</i>	<i>Application Number</i>	<i>Route applied for</i>
The Superlative Group (Pty) Ltd P.O. Box 1269 Letlhakane	RTS1250388	Letlhakane Taxi Service
The Superlative Group (Pty) Ltd P.O. Box 1269 Letlhakane	RTS1250390	Letlhakane Taxi Service
Obusitwe Kamogelo P.O. Box 1543 Letlhakane	RTS1253946	Letlhakane Taxi Service
Orphan Construction (Pty) Ltd P.O. Box 7 Mahalapye	RTS1254104	Serowe – Mahalapye via Palapye 0600 hours – 0900 hours 1200 hours – 1600 hours
Malaki Sebetlela Private Bag 001 Machaneng	RTS125179	Letlhakane Taxi Service
Malaki Sebetlela Private Bag 001 Machaneng	RTS1252176	Letlhakane Taxi Service
Lorato Lulu Gaongalelwe Private Bag 001 Machaneng	RTS1252177	Letlhakane Taxi Service
Washinga Investment (Pty) Ltd P.O. Box 358 Orapa	RTS1251444	Orapa Taxi Service
Dineo Magola P.O. Box 651 Letlhakane	RTS1251614	Letlhakane Taxi Service
Dinah Oarabile Bodirilwe P.O. Box 1603 Orapa	RTS125610	Letlhakane Taxi Service
GR7 (Pty) Ltd P.O. Box 1073 ABG Gaborone	RTS1250799	Orapa Taxi Service
Kakale Nleya P.O. Box 20881 Monarch Francistown	RTS1251475	Orapa Taxi Service

John Koonne P.O. Box 2588 Serowe	RTS1251330	Serowe – Mogorosi
3 PIN Solutions (Pty) Ltd P.O. Box 30795 Tlokwen Gilbert Serowe Orakanye P.O. Box 303 Orapa	RTS1252966	Orapa – Letlhakane
Rock N Rock Investments P.O. Box 10881 Palapye	RTS1253585	Moiyabana Taxi Service
	RTS125322	Serowe – Moiyabana 0800 hours – 0630 hours 0930 hours – 0830 hours 1200 hours – 0930 hours 1400 hours – 1000 hours 1700 hours – 1530 hours
Slumber Socks Badubi P.O. Box 2176 Serowe	RTS1252427	Serowe – Palapye 0230 hours – 0200 hours 0300 hours – 0230 hours 0330 hours – 0300 hours 0400 hours – 0330 hours
Samuel Ndo Gaofise P.O. Box 382 Orapa	RTS1252943	Rakops – Letlhakane 0900 hours – 0600 hours 1530 hours – 1200 hours
Keitsile Investments (Pty) Ltd P.O. Box 21454 Gaborone	RTS1250967	Serowe – Shoshong via Moiyabana 0600 hours – 0600 hours 0900 hours – 0900 hours 1200 hours – 1200 hours 1500 hours – 1500 hours 1730 hours – 1730 hours
Kamotu Services (Pty) Ltd P.O. Box 870 Orapa	RTS1250856	Letlhakane Taxi Service
Kamotu Services (Pty) Ltd P.O. Box 870 Orapa	RTS1250863	Orapa Taxi Service
Smooth Journey Enterprises (Pty) Ltd P.O. Box 1353 Orapa	RTS1253622	Letlhakane Taxi Service
MG Tatolo Investments (Pty) Ltd P.O. Box 1729 Serowe	RTS1253550	Serowe – Mabeleapodi
Mpamidzi Madzathunya P.O. Box 244 Mopipi	RTS1252933	Letlhakane Taxi Service
Olesitswe Tshiamo P.O. Box 1091 Letlhakane	RTS1253703	Kedia – Letlhakane 0700 hours – 1600 hours
3GEE Cubic Engineering (Pty) Ltd P.O. Box 150126 Mogoditshane	RTS1253992	Serowe – Gaborone via Molepolole 0530 hours – 0530 hours 0600 hours – 0630 hours 1000 hours – 1000 hours 1300 hours – 1300 hours 1630 hours – 1630 hours 1800 hours – 1800 hours
Bakang Gaokaiwe P.O. Box 861 Serowe	RTS1251994	Letlhakane Taxi Service
Bakang Gaokaiwe P.O. Box 861 Serowe	RTS1251999	Letlhakane Taxi Service

DATED this 29th day of May, 2018.

G. I. SAUDU,
Road Transport Controller.

Government Notice No. 333 of 2018

ROAD TRANSPORT (PERMITS) ACT
(Cap. 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap. 69:03 (Sub. Leg.))

Application for Road Transport Permits - "P" - Permits

NOTICE IS HEREBY GIVEN that in accordance with regulation 4 of the Road Transport (Permits) Regulations, the applicants for Road Transport Permits, listed in the first column of the Schedule to this Notice, will have their applications heard at a public sitting on 28th June, 2018 at Honey Moon Hotel. The hearings will start at 0900 hours.

Representations and objections to the said applications shall be made to the Station Manager, Department of Road Transport and Safety, Private Bag 92, Serowe, and to the applicants by registered mail so as to reach the addressees not later than 21 days after this Notice has appeared in the *Gazette*.

SCHEDULE

<i>Name and Address of Applicant</i>	<i>Application Number</i>	<i>Route applied for</i>
Rock N Rock Investments P.O. Box 10881 Palapye	RTS1257524	Serowe - Shoshong via Moiyabana 0900 hours - 0700 hours 1000 hours - 0800 hours 1100 hours - 0900 hours 1200 hours - 1000 hours 1400 hours - 1300 hours 1600 hours - 1400 hours 1700 hours - 1800 hours
Tefo Morapedi P.O. Box 10384 Palapye	RTS1257218	Mopipi Taxi Service
Bulk Mining Explosives Botswana (Pty) Ltd P.O. Box 301404 Francistown	RTS1258144	Own account
Multotec Botswana (Pty) Ltd P.O. Box 924 Gaborone	RTS1258652	Own Account
Rock N Rock Investments P.O. Box 10881 Palapye	RTS1263968	Serowe - Gaborone via Molepolole 0630 hours - 1100 hours 1500 hours - 1600 hours
Rock N Rock Investments P.O. Box 10881 Palapye	RTS1263406	Serowe - Tshimoyapula 1000 hours - 0700 hours 1200 hours - 1000 hours 1400 hours - 1200 hours 1600 hours - 1400 hours 1830 hours - 1700 hours
Rock N Rock Investments P.O. Box 10881 Palapye	RTS1263315	Serowe - Moiyabana 0800 hours - 0630 hours 1200 hours - 0830 hours 1330 hours - 1030 hours 1730 hours - 1530 hours
Gaboswe Oageng P.O. Box 12 Shoshong	RTS1262901	Shoshong - Serowe via Moiyabana 0830 hours - 1230 hours 1430 hours - 1700 hours
Mpho Keforilwe P.O. Box 11061 Tati Town	RTS1262777	Letlhakane - Gaborone via Serowe 1930 hours - 1830 hours 2030 hours - 2130 hours 2100 hours - 2230 hours

Alakanani Robert Mokgosi P.O. Box 301787 Francistown Streetlink Investments (Pty) Ltd P.O. Box 167 Orapa	RTS1262422	Orapa – Letlhakane
Molaodi Oteng P.O. Box 7 Lecheng Onkemetse Basisi P.O. Box 1316 Letlhakane	RTS1260349	Letlhakane – Maun 0600 hours – 1400 hours (additional time slots) Letlhakane Taxi Service
Wapula Sebonego P.O. Box 3062 Serowe Orea Gwapela P.O. Box 1009 Letlhakane	RTS1263752	Letlhakane Taxi Service
Lesedi Kelesweditse P.O. Box 1223 Letlhakane	RTS1263501	Letlhakane Taxi Service
Kemmonye Obakeng P.O. Box 11756 Palapye	RTS1263126	Letlhakane Taxi Service
Donald Mototobi Private Bag 84 Gootau	RTS1264002	School Bus
Thatayaone Obakeng P.O. Box 80 Ratholo	RTS1261176	Letlhakane Taxi Service
Mmualebe Vanhalen Mokweeno P.O. Box 1260 Maun	RTS1261145	Letlhakane Taxi Service
Maano Phefo P.O. Box 21023 Gaborone	RTS1261129	Letlhakane Taxi Service
Maano Phefo P.O. Box 21023 Gaborone	RTS1261132	Letlhakane Taxi Service
Botswana Israel Phetsolang P.O. Box 442 Shoshong	RTS1261488	Letlhakane Taxi Service
Jogma Holdings (Pty) Ltd P.O. Box 2827 Selibe Phikwe	RTS1261768	Letlhakane Phase 1
Florah Goitsewang P.O. Box 80 Ratholo	RTS1261770	Letlhakane Phase 1
Kemang Mokotedi P.O. Box 150081 Maun	RTS1261780	Shoshong – Serowe 0700 hours – 0900 hours 1100 hours – 1300 hours 1500 hours – 1700 hours 1900 hours – 2100 hours Letlhakane – Gaborone via Serowe, Palapye 1900 hours – 1600 hours 2000 hours – 2100 hours 2030 hours – 2200 hours Letlhakane Taxi Service
Gaboutwelwe Collen Motswaledi P.O. Box 1353 Orapa	RTS1262173	Letlhakane Taxi Service
Kalcon (Pty) Ltd Private Bag 00322 Gaborone	RTS1262182	Letlhakane – Mmatshumo
	RTS126713	Own Account

Gaesengwe M. Johannes
P.O. Box 243
Palapye
Therisanyo Bonkgakae
P.O. Box 480
Orapa

RTS1260430

Letlhakane Taxi Service

RTS1260564

Letlhakane – Mmatshumo

DATED this 29th day of May, 2018.

G. I. SAUDU,
Road Transport Controller.

Government Notice No. 334 of 2018

ROAD TRANSPORT (PERMITS) ACT
(Cap. 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap. 69:03 (Sub. Leg.))

Application for Road Transport Permits - "P"- Permits

NOTICE IS HEREBY GIVEN that in accordance with regulation 4 of the Road Transport (Permits) Regulations, the applicants for Road Transport Permits, listed in the first column of the Schedule to this Notice, will have their applications heard at a public sitting on 29th June, 2018 at Honey Moon Hotel. The hearings will start at 0900 hours.

Representations and objections to the said applications shall be made to the Station Manager, Department of Road Transport and Safety, Private Bag 92, Serowe, and to the applicants by registered mail so as to reach the addressees not later than 21 days after this Notice has appeared in the *Gazette*.

SCHEDULE

<i>Name and Address of Applicant</i>	<i>Application Number</i>	<i>Route applied for</i>
Mareko Gasemodimo P.O. Box 11353 Francistown	RTS1261050	Malatswae – Letlhakane 0700 hours – 1200 hours 0800 hours – 1400 hours 0900 hours – 1500 hours 1000 hours – 1600 hours
Lopang Mosielele P.O. Box 1194 Orapa	RTS1260544	Letlhakane – Malatswae 0600 hours – 0600 hours 1000 hours – 1000 hours 1400 hours – 1400 hours 1600 hours – 1600 hours 1800 hours – 1800 hours
Swaneng Primary School P.O. Box 101 Serowe	RTS1257081	Own account
Kefilwe Molefe P.O. Box 80 Morwa	RTS1258845	Orapa – Selebi-Phikwe via Serule 0600 hours – 0600 hours 1100 hours – 1100 hours 1400 hours – 1400 hours 1700 hours – 1700 hours 1800 hours – 1800 hours
Wazha Serabe P.O. Box 410 Sebina	RTS1266743	Letlhakane Taxi Service

Olebile Ramogala P.O. Box 1350 Orapa	RTS1266711	Rakops Taxi Service
Kavezeri Timon P.O. Box 1350 Orapa	RTS1266737	Letlhakane Taxi Service
Lesedi Kelesweditse P.O. Box 1223 Letlhakane	RTS1266147	Letlhakane – Orapa via Mmatshumo Junction
Goitseone Mazaru P.O. Box 35 Sowa Town	RTS1266237	Serowe – Molepolole via Shoshong 0630 hours – 0930 hours 1030 hours – 1230 hours 1430 hours – 1630 hours
Kenalemang Makwati Private Bag 001 Serowe	RTS1266236	Serowe – Gaborone via Palapye 0830 hours – 1230 hours 1630 hours – 1330 hours
ongwa Oteng Box 381 Letlhakane	RTS1265167	Letlhakane Taxi Service
Deluways (Pty) Ltd P.O. Box 168 Sebina	RTS1265478	Serowe – Gaborone via Palapye 0730 hours – 0930 hours 1230 hours – 1430 hours
Zhibababa Travel Tours P.O. Box 168 Sebina	RTS1265471	Serowe – Gaborone via Palapye 0930 hours – 0730 hours 1430 hours – 1230 hours 1830 hours – 1730 hours
Joel Boy P.O. Box 20657 Monarch, Francistown	RTS1265475	Serowe – Gaborone via Palapye 0530 hours – 0830 hours 0630 hours – 1030 hours 1130 hours – 1530 hours
Botsadi Jwame (Pty) Ltd P.O. Box 35 Sowa Town	RTS1265477	Serowe – Gaborone via Palapye 1330 hours – 1330 hours 1630 hours – 1630 hours
Israel Mazaru P.O. Box 35 Sowa Town	RTS1265470	Serowe – Gaborone via Palapye 0830 hours – 0630 hours
Koketso Benjamin Sebodu P.O. Box 3870 Serowe	RTS1265347	Letlhakane Taxi Service
Alakanani and Son's Investments (Pty) Ltd P.O. Box 301787 Francistown	RTS1262408	Orapa – Letlhakane
Medi Ogorogile P.O. Box 134 Sefhare	RTS1262377	Tshimoyapula – Gaborone via Palapye 0600 hours – 1430 hours
Phemelo Sekaeng P.O. Box 106 Machaneng	RTS1262374	Tshimoyapula – Gaborone via Palapye 0730 hours – 1330 hours
3GEE Cubic Engineering (Pty) Ltd P.O. Box 150126 Mogoditshane	RTS1253994	Serowe – Kasane via Francistown 0630 hours – 0630 hours 0830 hours – 0830 hours 1230 hours – 1230 hours 1630 hours – 1630 hours 1800 hours – 1730 hours
Bakang Gaokaiwe P.O. Box 861 Serowe	RTS1252000	Serowe – Mogorosi
Baowagi Sehularo Matheatau P.O. Box 2538 Serowe	RTS1267684	Serowe – Molepolole via Shoshong 0730 hours – 0600 hours 0900 hours – 1200 hours

Baowagi Sehularo Matheatau P.O. Box 2538 Serowe	RTS1267689	1330 hours – 1600 hours 1600 hours – 1700 hours 1700 hours – 1800 hours Serowe – Tshimoyapula 0700 hours – 0900 hours 1200 hours – 1400 hours 1630 hours – 1800 hours
B & B Mawalala P.O. Box 9 Mogorosi	RTS1268043	Tshimoyapula – Serowe 0630 hours – 1030 hours 1200 hours – 1400 hours 1700 hours – 1900 hours
Baowagi Sehularo Matheatau P.O. Box 2538 Serowe	RTS1267696	Serowe – Tshimoyapula 0600 hours – 0830 hours 1030 hours – 1200 hours 1400 hours – 1600 hours Letlhakane Taxi Service
Judge Brooks Moathodi P.O. Box 1509 Orapa	RTS1267608	
Ronny Moses P.O. Box 1995 Selebi-Phikwe	RTS1267894	Serowe – Selebi-Phikwe via Serule 0500 hours – 0500 hours 0530 hours – 0730 hours 0630 hours – 0930 hours 1530 hours – 1730 hours 1830 hours – 1930 hours 1930 hours – 2000 hours Serowe Taxi Service
Batontoki Mphoeng P.O. Box 2430 Selebi-Phikwe	RTS1270083	
Thulaganyo Mosupi P.O. Box 30016 Serowe	RTS1273776	Serowe Taxi Service

DATED this 29th day of May, 2018.

G.I. SAUDU,
Road Transport Controller.

Government Notice No. 335 of 2018

ROAD TRANSPORT (PERMITS) ACT
(Cap. 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap. 69:03 (Sub.Leg))

Application for Road Transport Permits - "P" - Permits

NOTICE IS HEREBY GIVEN that in accordance with regulation 4 of the Road Transport (Permits) Regulations, the applicants for Road Transport Permits, listed in the first column of the Schedule to this Notice, will have their applications heard at a public sitting on 28th June, 2018 at Dikukama Hotel Conference Room. The hearings will start at 0900 hours.

Representations and objections in respect to the said applications should be made to the Transport Controller, Department of Road Transport and Safety, P.O. Box 495, Tsabong, and to the applicants by registered mail so as to reach the addressees not later than 21 days after this Notice has appeared in the *Gazette*.

SCHEDULE

<i>Name and Address of Applicant</i>	<i>Application Number</i>	<i>Route Applied For</i>
C.E. M Supplies & Distribution (Pty) Ltd P.O. Box 147AHH Gaborone	RTS1240290	Kang - Lokgwabe 0600 hours - 0630 hours 0800 hours - 1000 hours 1000 hours - 1500 hours 1500 hours - 1630 hours 1800 hours - 1800 hours Hukuntsi Taxi Service
Onkemetse Mubita P.O. Box 100 Werda	RTS1240402	
Tebogo Patrick Ntau P.O. Box 39 Tsabong	RTS1240441	Tsabong Taxi Service
Tebogo Patrick Ntau P.O. Box 39 Tsabong	RTS1240443	Tsabong Taxi Service
Saint Travel & Tours P.O. Box 140 Tsabong	RTS1240415	Tsabong - Lobatse 0800 hours - 0700 hours 1100 hours - 1000 hours 1400 hours - 1200 hours
Sehularo Matex Legogoba P.O. Box 1540 Molepolole	RTS1247578	Jwaneng - Tsabong 0800 hours - 1100 hours 1400 hours - 1300 hours 1700 hours - 1400 hours 1800 hours - 1500 hours 1900 hours - 1800 hours 1930 hours - 1930 hours
Dropping Keys (Pty) Ltd P.O. Box 765ADD Gaborone	RTS1249262	Maun - Tsabong 1700 hours - 0600 hours 1730 hours - 0630 hours
Emmanuel Mmoloki P.O. Box 191 Tsabong	RTS1249424	Tsabong - Kuruman 0600 hours - 1400 hours
Morelesh Holdings (Pty) Ltd P.O. Box 188 Tsabong	RTS1249609	Tsabong - Maun 0500 hours - 0500 hours 1100 hours - 1100 hours 1730 hours - 1730 hours 1800 hours - 1800 hours 1830 hours - 1830 hours 1900 hours - 1900 hours
Mopati Lesole P.O. Box 3812 Gaborone	RTS1231667	Tsabong - Jwaneng 1430 hours - 0800 hours
Nkgomotsang Mereyabone P.O. Box 39 Middlepits	RTS1250901	Tsabong - Kuruman 0600 hours - 0600 hours 0800 hours - 0800 hours 1400 hours - 1400 hours 1600 hours - 1600 hours
Omphile Isaac Sesotlo Private Bag 14 Lobatse	RTS1253519	Kang Taxi Service
Omphile Isaac Sesotlo Private Bag 14 Lobatse	RTS1253516	Hukuntsi Taxi Service
Omphile Isaac Sesotlo Private Bag 14 Lobatse	RTS1253523	Hukuntsi Taxi Service

Omphile Isaac Sesotlo Private Bag 14 Lobatse	RTS1253525	Kang – Tsetseng 0900 hours – 0700 hours 1300 hours – 1100 hours 1700 hours – 1500 hours
Kenatthebe Transport (Pty) Ltd P.O. Box 3263 Molepolole	RTS1253669	Tsabong – Kanye 0800 hours – 0500 hours 1100 hours – 1300 hours 1500 hours – 1400 hours Hukuntsi Taxi Service
Temo Ngwakwena P.O. Box 218 Ghanzi	RTS1258116	
Montlahatsi Taolo Mochela P.O. Box 117 Tsabong	RTS1258120	Hukuntsi Taxi Service
Gemsbok Travel Tours & Hire (Pty) Ltd P.O. Box 147 Morwa	RTS1256633	Tsabong – Bokspits 1500 hours – 0700 hours
Saint Travel and Tours (Pty) Ltd P.O. Box 140 Tsabong	RTS1256121	Tsabong – Kanye via Jwaneng 0700 hours – 0830 hours 1500 hours – 1500 hours Call Cab
Damoleks Speed Cab (Pty) Ltd P.O. Box 167 Kang	RTS1261878	
Damoleks Speed Cab (Pty) Ltd P.O. Box 167 Kang	RTS1261883	Call Cab
Damoleks Speed Cab (Pty) Ltd P.O. Box 167 Kang	RTS1261882	Call Cab
Damoleks Speed Cab (Pty) Ltd P.O. Box 167 Kang	RTS1261874	Call Cab
Gemsbok Travel Tours & Hire (Pty) Ltd P.O. Box 147 Morwa	RTS1261907	Tsabong – Kuruman 0600 hours – 1300 hours
Gemsbok Travel Tours & Hire (Pty) Ltd P.O. Box 147 Morwa	RTS1261904	Tsabong – Upington 0500 hours – 1300 hours

DATED this 29th day of May, 2018.

G. I. SAUDU,
Road Transport Controller.

Government Notice No. 336 of 2018

ROAD TRANSPORT (PERMITS) ACT
(Cap. 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap. 69:03 (Sub.Leg))

Application for Road Transport Permits -“P”- Permits

NOTICE IS HEREBY GIVEN that in accordance with regulation 4 of the Road Transport (Permits) Regulations, the applicants for Road Transport Permits, listed in the first column of the Schedule to this Notice, will have their applications heard at a public sitting on 29th June, 2018 at Dikukama Hotel Conference Room. The hearings will start at 0900 hours.

Representations and objections in respect to the said applications should be made to the Transport Controller, Department of Road Transport and Safety, P.O. Box 495, Tsabong, and to the applicants by registered mail so as to reach the addressees not later than 21 days after this Notice has appeared in the *Gazette*.

SCHEDULE

<i>Name and Address of Applicant</i>	<i>Application Number</i>	<i>Route Applied For</i>
Temo Ngwakwena P.O. Box 218 Ghanzi	RTS1258116	Hukuntsi Taxi Service
Boisy Ontebetse Ramaeba P.O. Box 88 Kanye	RTS1261150	Tsabong School Bus (Eliezer Kids Corner)
Boitshepo Matere Private Bag 0032 Tsabong	RTS1263074	Lokgwabe – Hukuntsi School Bus
Kebonye Ivy K. Malidza P.O. Box 20 Tsabong	RTS1265325	Tsabong Taxi Service
Lone Molefe P.O. Box 21821 Gaborone	RTS1266629	Tsabong – Maleshe
Tsamaiso Tumaletse P.O. Box 486 Tsabong	RTS1266701	Tsabong Taxi Service
Etsile Polelo P.O. Box 27 Tsabong	RTS1266951	Tsabong Taxi Service
Gontse Peter P.O. Box M1063 Kanye	RTS1267049	Khakhea – Jwaneng 0930 hours – 0930 hours 1030 hours – 1230 hours 1230 hours – 1330 hours 1330 hours – 1430 hours 1530 hours – 1530 hours 1700 hours – 1830 hours 1830 hours – 1900 hours
Gontse Peter P.O. Box M1063 Kanye	RTS1267053	Jwaneng – Mabutsane 1000 hours – 0630 hours 1200 hours – 0830 hours 1330 hours – 0900 hours 1500 hours – 1030 hours 1630 hours – 1200 hours 1830 hours – 1400 hours 1930 hours – 1600 hours
Gontse Peter P.O. Box M1063 Kanye	RTS1267067	Hukuntsi – Jwaneng 0630 hours – 1030 hours 0700 hours – 1230 hours 0830 hours – 1330 hours 0930 hours – 1400 hours 1130 hours – 1430 hours 1400 hours – 1630 hours 1700 hours – 1730 hours
Gontse Peter P.O. Box M1063 Kanye	RTS1267074	Werda – Jwaneng 0600 hours – 1130 hours 0900 hours – 1300 hours 1000 hours – 1430 hours 1100 hours – 1600 hours 1300 hours – 1700 hours 1700 hours – 1800 hours

Gaotlhobogwe Osenoneng P.O. Box 371 Tsabong	RTS1267355	Tsabong Taxi Service
Modise Daokane P.O. Box 160 Tsabong	RTS1269308	Tsabong Taxi Service
Obakeng Mmereki P.O. Box 265 Tsabong	RTS1270133	Tsabong Taxi Service
Kabelo Bojang P.O. Box 80 Tsabong	RTS1270331	Tsabong Taxi Service
Desmond Kabo Kagiso P.O. Box 145 Lehututu	RTS1270514	Hukuntsi Taxi Service
Lizzy N Hambira P.O. Box 164 Tsabong	RTS1271260	Tsabong Taxi Service
Keotshepile Ramaribeng P.O. Box M1428 Kanye	RTS1271416	Tsabong – Bokspits 1900 hours – 0800 hours
Gontse Peter P.O. Box M1063 Kanye	RTS1272416	Mabutsane – Khakhea 1100 hours – 1100 hours 1200 hours – 1200 hours 1300 hours – 1300 hours 1700 hours – 1700 hours 1800 hours – 1800 hours 1900 hours – 1900 hours 2000 hours – 2000 hours
Gontse Peter P.O. Box M1063 Kanye	RTS1272420	Mabutsane – Khakhea 0700 hours – 0700 hours 0800 hours – 0800 hours 0900 hours – 0900 hours 1000 hours – 1000 hours 1400 hours – 1400 hours 1500 hours – 1500 hours 1600 hours – 1600 hours
Keotshepile Ramaribeng P.O. Box M1428 Kanye	RTS1272615	Tsabong – Kisa 0900 hours – 0600 hours 1300 hours – 1100 hours 1700 hours – 1500 hours 2000 hours – 1900 hours
Mc Kag (Pty) Ltd P.O. Box 21544 Gaborone	RTS1273224	Lokgwabe – Jwaneng 0600 hours – 1200 hours 0700 hours – 1400 hours 0900 hours – 1500 hours
Goitseone Pretty Motshomi P.O. Box 10 Tshane	RTS1273228	Lokgwabe – Jwaneng 0500 hours – 1100 hours 0800 hours – 1300 hours 1000 hours – 1600 hours

DATED this 29th day of May, 2018.

G. I. SAUDU,
Road Transport Controller.

ROAD TRANSPORT (PERMITS) ACT
(Cap. 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap. 69:03 (Sub. Leg.))

Notice of Intention to Vary or Amend Permit

NOTICE IS HEREBY GIVEN that in accordance with paragraph (iv) of the proviso to section 3 (5) of the Road Transport (Permits) Act, the persons whose names and addresses appear in the first column of the Schedule hereunder have applied to the Transport Controller to vary or amend their Road Transport Permits in the manner specified in the fourth column of the Schedule. Their applications will be considered by the Transport Controller 14 days after the date of publication of this Notice.

Representations and objections in respect to the said applications should be made to the Transport controller, Department of Road Transport and Safety, P.O. Box 682, Selebi-Phikwe, and to the applicants by registered mail so as to reach the addressees not later than 14 days after this Notice has appeared in the *Gazette*.

SCHEDULE

<i>Name and Address of Applicant</i>	<i>Application Number</i>	<i>Route Applied for</i>
Kebadiretse Gorewang P.O. Box 2270 Selebi-Phikwe Pako Moilwa P.O. Box 2574 Selebi-Phikwe	RTS1250244	Permit Transfer from Gideon Dlamini to Keadiretse Gorewang for Selebi-Phikwe Taxi Service P000002524TXA
Styles Ways (Pty) Ltd P.O. Box 30101 Metsef, Francistown	RTS1251816	Permit Transfer from David Mogorosi to Styles Ways (Pty) Ltd for Selebi-Phikwe – Francistown 0800 hours – 0830 hours 1400 hours – 1430 hours 1700 hours – 1730 hours P000002184SRA
Reetsang Kolobe P.O. Box 47 Shashe	RTS1264510	Permit Transfer from Johannes Mazebedi to Reetsang Kolobe for Bobonong – Motlhabaneng 1000 hours – 0700 hours 1500 hours – 1230 hours P000001920SRA
Edward Jenise P.O. Box 1639 Selebi-Phikwe Patrick Moilwa P.O. Box 2770 Selebi-Phikwe	RTS1259266	Permit Transfer from Kabosole Basima Baori to Edward Jenise for Selebi-Phikwe Taxi Service P000000731TXA
Mahlathini William P.O. Box 11090 Botshabelo, Selebi-Phikwe	RTS1256989	Permit Transfer from Baruti Mompoti to Patrick Moilwa for Selebi-Phikwe Taxi Service P000001270TXA
Elfredah B. Attah P.O. Box 11163 Botshabelo, Selebi-Phikwe	RTS1266692	Permit Transfer from Botsang Segolame to Mahlathini William for Selebi-Phikwe Taxi Service P000002534TXA
Poloko Osenotse P.O. Box 3150 Selebi-Phikwe	RTS1268781	Permit Transfer from Daniel K. Attah to Elfredah B. Attah for Selebi-Phikwe School Bus P000000960ST
Evah Sekgwama P.O. Box 10371 Selebi-Phikwe	RTS1271298	Permit Transfer from Mahlathini William to Poloko Osenotse for Selebi-Phikwe – Tobane P000004487LRA
	RTS1274606	Permit Transfer from Dlamini Tendai to Evah Sekgwama for Selebi-Phikwe Taxi Service P000000774TXA

DATED this 29th day of May, 2018.

G. I. SAUDU,
Road Transport Controller.

Bill No. 16 of 2018

TRUST PROPERTY CONTROL BILL, 2018

(Published on 1st June, 2018)

MEMORANDUM

1. A draft of the above Bill, which is intended to be presented to the National Assembly, is set out below.
2. The object of the Bill is to enact a Trust Property Control Bill to regulate the control of trust.
3. The Bill achieves its objectives —
 - (a) under clauses 3 and 5 by providing for which documents shall be deemed to be trust instruments and lodgement of trust instruments with the Master;
 - (b) under clause 4 by mandating the Master to establish and maintain a register of trustees;
 - (c) under clause 6 by making it mandatory for a person whose appointment as a trustee comes into effect after commencement of the Act, to furnish the Master with an address for services upon him or her of notices and process;
 - (d) under clause 7 and 25 by providing for authorisation and exemption from providing security by the Master to act as a trustee; and further to provide for a recourse where a person is aggrieved by the decision of the Master to authorise or remove a trustee;
 - (e) under clauses 8 and 9 by providing for appointment of a trustee or co-trustee and authorisation of a foreign trustee to act as a trustee by the Master;
 - (f) under clauses 10 and 11 by mandating a trustee to perform his or her duties with due care and diligence and to deposit monies he or she receives in his or her capacity as a trustee;
 - (g) under clauses 12 and 13 by mandating a trustee to register and identify trust property and to keep trust property separate from personal estate;
 - (h) under clauses 14 and 15 by providing for powers of court to vary trust provisions and for the tutor or curator of a beneficiary to agree to the amendment of a trust instrument only when such amendment is to the benefit of the beneficiary;
 - (i) under clauses 16 and 17 by providing for the reporting of irregularities in connection with the administration of a trust and giving the Master the power to request and have delivered from a trustee, any book, record, audited account or document relating to the trustee's administration or disposal of the trust property;
 - (j) under clauses 18 and 19 by prohibiting a trustee from destroying any document connected to trust property before the expiry of 10 years from the termination of a trust, without the consent of the Master and further providing for conditions under which copies of documents may be obtained from the Master;
 - (k) under clauses 20, 21, 22, 23 and 24 by providing for recourse where a trustee has failed to account or perform his or her duties; conditions under which a trustee may be removed from his or her office; death of a trustee; and resignation

- and remuneration of a trustee; and
- (I) under clauses 26, 27 and 28 by making provision for offences and penalties; further provision for the validation of previous trust instruments and for the powers of the Minister to make Regulations for the better carrying out of the purposes of the Act.

NONOFO MOLEFHI,
*Acting Minister of Defence, Justice and
Security.*

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Documents deemed to be trust instruments
4. Register
5. Lodgement of trust instruments
6. Notification of address
7. Authorisation of trustee and security
8. Appointment of trustee and co-trustee by Master
9. Foreign trustees
10. Care, diligence and skill required of trustee
11. Trust account
12. Registration and identification of trust property
13. Separate position of trust property
14. Power of court to vary trust provisions
15. Variation of trust instrument
16. Report of irregularities
17. Master's call upon trustee to account
18. Custody of documents
19. Copies of documents
20. Failure by trustee to account or perform duties
21. Removal of trustee
22. Resignation by trustee
23. Death of trustee
24. Remuneration of trustee
25. Access to court
26. Validation of trust instrument
27. Offences and penalties
28. Regulations

A BILL

— entitled —

An Act to regulate the control of trusts; and to provide for matters connected therewith.

Date of Assent:

Date of Commencement:

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Trust Property Control Act, 2018.
2. In this Act, unless the context otherwise indicates —
 “bank” means a Bank licensed in terms of the Banking Act;
 “building society” means a building society registered in terms of the Building Societies Act;
 “financial institution” includes a bank, building society or a non-bank financial institution;

Short title

Interpretation

Cap. 46:04

Cap. 42:03

"funds" means assets of any kind, whether corporeal or incorporeal, tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in such assets;

"Master" means the Master of the High Court;

Cap. 46:08

"non-bank financial institution" means a non-bank financial institution licensed in terms of the Non-Bank Financial Institutions Regulatory Authority Act;

Cap. 33:02

"notarial deed" means a deed registered in terms of the Registry of Deeds Act;

"Register" means the register of trustees established and maintained under section 4;

"trust" means the arrangement through which the ownership in property of one person is by virtue of a trust instrument made over or bequeathed —

(a) to another person, the trustee, in whole or in part, to be administered or disposed of according to the provisions of the trust instrument for the benefit of the person or class of persons designated in the trust instrument or for the achievement of the object stated in the trust instrument; or

(b) to the beneficiaries designated in the trust instrument, which property is placed under the control of another person, the trustee, to be administered or disposed of according to the provisions of the trust instrument for the benefit of the person or class of persons designated in the trust instrument or for the achievement of the object stated in the trust instrument,

but does not include the case where the property of another is to be administered by any person as a trustee, executor, tutor or curator in terms of the provisions of any other written law;

"trustee" means any person, including the founder of a trust who acts as trustee by virtue of an authorisation under section 7 and includes any person whose appointment as trustee is already of force at the commencement of this Act;

"trust instrument" means a written agreement, testamentary writing, court order or a notarial deed according to which a trust is created; and

"trust property" means money or any other movable, immovable, corporeal, or unincorporeal thing whether located in or outside Botswana and includes any rights securities and any interest in privileges and claims over that thing as well as —

(a) any currency, whether or not the currency is legal tender in Botswana, and any bill, security, bond, negotiable instrument or any instrument capable of being negotiated which is payable to bearer or endorsed payable to bearer, whether expressed in Botswana currency or otherwise;

(b) any balance held in Botswana currency or in any other currency in accounts with any bank which carries on business in or outside Botswana;

- (c) motor vehicles, ships, aircraft, boats, works of art, jewellery, precious metals or any other item of value;
- (d) any right or interest in property; and
- (e) funds or other assets including all property and any interest, dividends or income on or value accruing or generated by such funds or assets,

which in accordance with the provisions of a trust instrument are to be administered or disposed of by a trustee.

3. If a document represents the reduction to writing of an oral agreement by which a trust was created or varied, such document shall for the purposes of this Act be deemed to be a trust instrument.

Documents
deemed to be
trust instruments

4. (1) Subject to the provisions of this Act, the Master shall establish and maintain a register of trustees.

Register

(2) The register shall be kept at the offices of the Master and shall be open to inspection during office hours to any member of the public upon payment of such fee as may be prescribed.

(3) The Master shall —

- (a) keep the register in such form as may be prescribed; and
- (b) remove from the register, the name of a trustee who dies, resigns from office or is removed from office.

5. (1) Except where the Master is already in possession of the trust instrument in question or an amendment thereof, a trustee whose appointment comes into force after the commencement of this Act shall, before he or she assumes control of the trust property, upon payment of the prescribed fee, lodge with the Master the trust instrument in terms of which the trust property is to be administered or disposed of by him or her, or a copy thereof certified as a true copy by a notary or other person approved by the Master.

Lodgement of
trust instrument

(2) Where a trust instrument which has been lodged with the Master is varied, the trustee shall lodge the amendment or a copy thereof so certified with the Master.

6. A person whose appointment as trustee comes into effect after the commencement of this Act, shall furnish the Master with an address for the service upon him or her of notices and process and shall, in case of change of address, within 14 days notify the Master by registered post of the new address.

Notification of
address

7. (1) A person whose appointment as trustee in terms of a trust instrument, section 8 or a court order, comes into force after the commencement of this Act, shall act in that capacity only if authorised thereto in writing by the Master.

Authorisation
of trustee and
security

(2) The Master shall not grant authority to the trustee in terms of this section unless the trustee has —

- (a) furnished security to the satisfaction of the Master for the due and faithful performance of his or her duties as trustee; or
- (b) been exempted from furnishing security by a court order or by the Master under subsection (4) (a) or, subject to the provisions of subsection (4) (d), in terms of a trust instrument:

Provided that where the furnishing of security is required, the Master may, pending the furnishing of security, authorise the trustee in writing to perform specified acts with regard to the trust property; and

(c) provided the following details —

- (i) full name, nationality, age, gender and residential address of the individual(s) who are beneficial owners; and
- (ii) the relationship of the trustee to the beneficial owners.

(3) For the purposes of this section, a “beneficial owner” means a natural person who, directly or indirectly through any contract, arrangement, understanding, relationship or otherwise, is the ultimate beneficiary of a trust.

(4) The Master may, if in his or her opinion there are sound reasons to do so —

- (a) whether or not security is required by the trust instrument, dispense with security by a trustee;
- (b) reduce or cancel any security furnished;
- (c) order a trustee to furnish additional security; or
- (d) order a trustee who has been exempted from furnishing security in terms of a trust instrument to furnish security.

(4) If any authorisation is given in terms of this section to a trustee which is a corporation, such authorisation shall, subject to the provisions of the trust instrument, be given in the name of a nominee of the corporation for whose actions as trustee the corporation is legally liable, and any substitution for such nominee of some other person shall be endorsed on the said authorisation.

8. (1) If the office of trustee cannot be filled or becomes vacant, the Master shall, in the absence of any provision in the trust instrument, after consultation with interested parties as he or she may deem necessary, appoint any person as trustee.

(2) When the Master considers it desirable, he or she may, notwithstanding the provisions of the trust instrument, appoint as co-trustee any serving trustee or any other person he or she deems fit.

9. Where a person who was appointed outside Botswana as trustee has to administer or dispose of trust property in Botswana, the provisions of this Act shall apply to such trustee in respect of such trust property and the Master may authorise such trustee under section 7 to act as trustee in respect of that property.

10. (1) A trustee shall in the performance of his or her duties and the exercise of his or her powers act with the care, diligence and skill which can reasonably be expected of a person who manages the affairs of another.

(2) Notwithstanding the generality of subsection (1), a trustee shall —

- (a) know the terms of the trust;
- (b) act in accordance with the terms of the trust;
- (c) act honestly and in good faith;
- (d) hold or deal with trust property and act for the benefit of the beneficiaries or to further the permitted purpose of the trust;

Appointment
of trustee and
co-trustee by
Master

Foreign trustees

Care, diligence
and skill required
of trustee

- (e) exercise the trustee's powers for a proper purpose;
- (f) not exercise a power of a trustee directly or indirectly for the trustee's own benefit;
- (g) consider regularly whether he or she should be exercising any of the powers conferred on him or her in relation to the trust;
- (h) avoid a conflict between his or her interests and the interests of any of the beneficiaries of the trust;
- (i) treat all beneficiaries in line with the terms of the trust;
- (j) not make a profit from the trusteeship; and
- (k) not take any reward for acting as a trustee except under the trustee's legitimate expenses and disbursements due and payable to the trustee under section 24.

(3) Any provision contained in a trust instrument shall be void in so far as it would have the effect of exempting a trustee from or indemnifying him or her against liability for breach of trust where he or she fails to show the degree of care, diligence and skill as required in subsection (1).

11. Whenever a person receives money in his or her capacity as trustee, he or she shall deposit such money in a separate trust account at a bank or building society.

Trust account

12. (1) Subject to the provisions of the Banking Act, Building Societies Act, Non-Bank Financial Institutions Regulatory Act, section 56 of the Administration of Estates Act, and the provisions of the trust instrument concerned, a trustee shall –

Registration
and identification
of trust property,
Cap. 31:01

- (a) indicate clearly in his or her bookkeeping the trust property which he or she holds in his or her capacity as trustee;
- (b) if applicable, register trust property or keep it registered in such manner as to make it clear from the registration that it is the trust property;
- (c) make any account or investment at a financial institution identifiable as a trust account or trust investment; and
- (d) in the case of the trust property other than property referred to in paragraphs (b) and (c), make such property identifiable as the trust property in the best possible manner.

(2) In so far as the registration or identification of trust property being administered by a trustee at the commencement of this Act does not comply with the requirements of subsection (1), the trustee shall within a period of 12 months after the said commencement take such steps or cause such steps to be taken as may be necessary to bring the registration or identification of such trust property into conformity with the said requirements.

(3) Upon application in terms of subsection (2) to bring the registration of trust property into line with the provisions of subsection (1), the officer in charge of a deeds registry where such trust property is registered, shall free of charge take such steps as may be necessary to effect the required registration.

Separate position
of trust property

13. The trust property shall not form part of the personal estate of the trustee except in so far as he or she as the trust beneficiary is entitled to the trust property.

Power of court
to vary trust
provisions

14. If a trust instrument contains any provision which brings about consequences which in the opinion of the court the founder of a trust did not contemplate or foresee and which —

(a) hampers the achievement of the objects of the founder;

(b) prejudices the interests of beneficiaries; or

(c) is in conflict with the public interest,

the court may, on application by the trustee or any person who in the opinion of the court has a sufficient interest in the trust property, delete or vary any such provision or make in respect thereof any order which the court deems just, including an order whereby particular trust property is substituted for particular other property, or an order terminating the trust.

Variation of
trust instrument

15. Whenever a trust beneficiary under tutorship or curatorship becomes entitled to a benefit in terms of a trust instrument, the tutor or curator of such a beneficiary may on behalf of the beneficiary agree to the amendment of the provisions of a trust instrument, provided such amendment is to the benefit of the beneficiary.

Report of
irregularities

16. (1) If an irregularity in connection with the administration of a trust comes to the notice of a person who audits the accounts of a trust, the person shall, if in his or her opinion it is a material irregularity, report it in writing to the trustee, and if such irregularity is not rectified to the satisfaction of such person within one month from the date upon which it was reported to the trustee, that person shall report it in writing to the Master.

(2) Any person who contravenes the provisions of this section commits an offence and is liable to a fine of not exceeding P20 000, or to imprisonment for a term not exceeding two years, or to both.

Master's call
upon trustee to
account

17. (1) A trustee shall, at a written request of the Master, account to the Master's satisfaction and in accordance with the Master's requirements for the trustee's administration and disposal of trust property and shall, at the written request of the Master, deliver to the Master any book, record, audited account or document relating to the trustee's administration or disposal of the trust property and shall to the best of his or her ability answer honestly and truthfully any question put to him or her by the Master in connection with the administration and disposal of the trust property.

(2) The Master may, if he or she deems it necessary, cause an investigation to be carried out by some fit and proper person appointed by the Master into the trustee's administration and disposal of trust property.

(3) The Master shall make such order as he or she deems fit in connection with the costs of an investigation referred to in subsection (2).

18. (1) A trustee shall not without the written consent of the Master destroy any document which serves as proof of the investment, safe custody, control, administration, alienation or distribution of trust property before the expiry of a period of 10 years from the termination of a trust.

Custody of documents

(2) A trustee shall keep the following documents —

- (a) the trust instrument and any other document that contains the terms of the trust;
- (b) any variations made to the documents under paragraph (a);
- (c) any records of the trust property that identify the assets, liabilities, income and expenses of the trust and that are appropriate to the value and complexity of the trust property;
- (d) any records of trustee decisions made during the trustee's trusteeship;
- (e) any written contracts entered into during the trustee's trusteeship;
- (f) any accounting records and financial statements prepared during the trustee's trusteeship;
- (g) any documents of appointment or removal including any court orders appointing and removing trustees;
- (h) any letter or memorandum of wishes from the settlor;
- (i) any document referred to in paragraph (a) to (h) kept by a former trustee during his or her trusteeship and passed on to the current trustee; and
- (j) any other document necessary for the administration of the trust.

(3) Where there is more than one trustee of a trust, each trustee shall comply with the provisions of subsection (2).

19. Subject to the provisions of section 8 of the Administration of Estates Act, regarding the documents in connection with the estate of a deceased person, the Master shall upon written request and payment of the prescribed fee furnish a certified copy of any document under his control relating to trust property to a trustee, his or her surety or his representative or any other person who in the opinion of the Master has sufficient interest in such document.

Copies of documents

20. If a trustee fails to comply with a request by the Master in terms of section 17 or to perform any duty imposed upon him or her by the trust instrument or by law, the Master or any person having an interest in the trust property may apply to the court for an order directing the trustee to comply with such request or to perform such duty.

Failure by trustee to account or perform duties

21. (1) A trustee may, on the application of the Master or any person having an interest in the trust property, at any time be removed from his or her office by the court if the court is satisfied that such removal will be in the interests of the trust and its beneficiaries.

Removal of trustee

(2) A trustee may at any time be removed from his or her office by the Master if —

- (a) the trustee has been convicted in Botswana or elsewhere of any offence of which dishonesty is an element or of any other offence for which the trustee has been sentenced to imprisonment without the option of a fine;

- (b) the trustee fails to give security or additional security, as the case may be, to the satisfaction of the Master within two months after having been requested thereto or within such further period as is allowed by the Master;
- (c) the trustee's estate is sequestrated or liquidated or placed under judicial management;
- (d) the trustee has been declared by a competent court to be mentally ill or incapable of managing his own affairs or if he is by virtue of the Mental Disorders Act, detained as a patient in an institution or at the President's pleasure; or
- (e) the trustee fails to perform satisfactorily any duty imposed upon him or her by or under this Act or to comply with any lawful request of the Master.

Cap. 63:02

(3) If a trustee authorised to act under section 7 (1) is removed from his or her office or resigns, he or she shall without delay return his or her written authority to the Master.

Resignation by trustee

22. A trustee may resign by notice in writing to the Master and the ascertained beneficiaries who have legal capacity, or to the tutors or curators of the beneficiaries of the trust under tutorship or curatorship, whether or not the trust instrument provides for the trustee's resignation.

Death of trustee

23. (1) Where the function or power of a trustee is vested in two or more trustees jointly and one of those trustees dies, the surviving trustees, if any, may exercise such powers or perform such functions until a new trustee is appointed by the Master in the place of the trustee who died.

(2) If a sole trustee or the last surviving or continuing trustee dies, the Master shall, in consultation with the beneficiaries of the trust or with anyone who has a vested interest in the trust, determine the person who shall become the replacement trustee of the trust.

Remuneration of trustee

24. A trustee shall in respect of the execution of his or her official duties be entitled to such remuneration as provided for in the trust instrument or where no such provision is made, to a reasonable remuneration, which shall in the event of a dispute be fixed by the Master.

Access to court

25. Any person who feels aggrieved by an authorisation, appointment or removal of a trustee from the register or by any decision, order or direction of the Master made or issued under this Act, may apply to the court for relief, and the court shall have the power to consider the merits of any such matter, take evidence and make any order it deems fit.

Validation of trust instrument

26. (1) A person whose appointment as a trustee in terms of a trust instrument executed before the commencement of this Act, shall within a period of six months after the commencement of this Act, lodge the trust instrument with the Master for registration in the register and the provisions of this Act shall apply to such trustee.

(2) Any person who contravenes the provisions of this section commits an offence and is liable to a fine of not exceeding P20 000 or, to imprisonment for a term not exceeding two months, or to both.

27. A person who purports to act as a trustee without authority of the Master commits an offence and is liable to a fine of P20 000, or to a term of imprisonment not exceeding two years or to both.

Offences and
penalties

28. The Minister may make regulations for the better carrying out of the purposes and provisions of this Act.

Regulations

Bill No. 17 of 2018

CHEMICAL WEAPONS (PROHIBITION) BILL, 2018
(Published on 1st June, 2018)

MEMORANDUM

1. A draft of the above Bill, which it is intended to present to the National Assembly, is set out below.

2. The object of the Bill is to provide for the domestication of the Convention on the Prohibition, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, signed by the State Parties on the 13th day of January, 1993, to ensure that Botswana conforms to and implements her obligations under the Convention.

3. The Bill re-enacts the Chemical Weapons (Prohibition) Act and domesticates the United Nations Convention on the Prohibition, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC) by —

- (a) instituting measures for the implementation of the Convention;
- (b) laying down a legislative framework within which the control and prevention of the use of chemical weapons in Botswana is to be effected;
- (c) prohibit the development, production, acquisition, stockpiling, retention, transfer and use of chemical weapons;
- (d) providing for a mechanism to cater for the safe destruction of chemical weapons so as to achieve the elimination of all types of weapons of mass destruction; and
- (e) regulate the use of chemicals, chemical manufacturing plants and prohibit the use of riot control agents as methods of warfare.

4. Part I of the Bill provides for preliminary matters. The Bill provides at clause 3 that the State is bound by the provisions of the Act.

5. Part II continues the Chemical Weapons Management Authority as the Chemical, Biological, Nuclear and Radiological Weapons Management Authority to manage and implement this Act, the Nuclear Weapons (Prohibition) Act and the Biological and Toxin Weapons (Prohibition) Act. Part III continues the governing Board which was established by the repealed Chemical Weapons (Prohibition) Act of 2014 to overlook and formulate policy for the better carrying out of the functions of the Authority and implementation of this Act, the Nuclear Weapons (Prohibition) Act and the Biological and Toxin Weapons (Prohibition) Act.

6. Part IV provides for the prohibition against producing, developing, retaining, using or transferring of chemical weapons among other things. Part V deals with notifications and declarations while Part VI and Part VII deal with inspection and enforcement, and miscellaneous provisions respectively.

NONOFO MOLEFHI,
*Acting Minister for Defence,
 Justice and Security.*

ARRANGEMENT OF SECTIONS

SECTION

PART I — *Preliminary*

1. Short title
2. Interpretation
3. Application of Convention
4. Act binds State

PART II — *Establishment of Chemical, Biological, Nuclear and Radiological Weapons Management Authority*

5. Continuation of Chemical Weapons Management Authority
6. Functions of Authority

PART III — *Establishment and Membership of Board*

7. Establishment and membership of Board
8. Functions of Board
9. Meetings of the Board
10. Disclosure of interest
11. Confidentiality
12. Secretarial Services
13. Committees of Board

PART IV — *Chemical Weapons and Chemicals for Permitted Purposes*

14. Chemical weapons
15. Schedule 1 chemicals and precursors
16. Schedule 2 chemicals
17. Schedule 3 chemicals
18. Chemical facilities

PART V — *Notifications and Declarations*

19. Notifications of finding of substances or articles believed to be chemical weapons, nuclear weapons or biological or toxin weapons
20. Notifications and declarations for Schedule 1 chemicals
21. Declarations for Schedule 2 chemicals
22. Declarations for Schedule 3 chemicals
23. Declarations by Authority

PART VI — *Inspections and Enforcement*

24. Inspectors
25. Inspections
26. Powers of entry and search
27. Members of the Police Service to have powers of inspectors in certain circumstances
28. Forfeiture, seizure and disposal of chemical weapons, nuclear weapons or biological or toxin weapons
29. Indemnity

PART VII — *Miscellaneous Provisions*

30. Director may seek information
31. Extra-territoriality jurisdiction
32. Official capacity or superior orders not a defence
33. Regulations
34. Repeal of Cap. 24:04
35. Transitional and Savings

SCHEDULE

A Bill

— entitled —

An Act to re-enact with amendments, the Chemical Weapons (Prohibition) Act and to provide for the prohibition of the development, production, acquisition, stockpiling, retention, transfer and use of chemical weapons, the coordination of the management of chemical weapons, nuclear weapons and the management of biological and toxin weapons, and other matters incidental thereto.

Date of Assent:

Date of Commencement:

ENACTED by the Parliament of Botswana.

PART I — *Preliminary*

1. This Act may be cited as the Chemical Weapons (Prohibition) Act, 2018. Short title
2. (1) In this Act, unless the context otherwise requires — Interpretation
 - “Authority” means the Chemical, Biological, Nuclear and Radiological Weapons Management Authority established under section 5;
 - “Board” means the Board established under section 7 of the Act;
 - “chemical weapon” means —
 - (a) toxic chemicals and their precursors, except where intended for —
 - (i) peaceful purposes,
 - (ii) purposes relating to protection against toxic chemicals, or
 - (iii) law enforcement purposes within the State,
 as long as the types and quantities are consistent with such purposes;

(iv) munitions and devices specifically designed to cause death or other harm through the toxic properties of those toxic chemicals defined in paragraph (a) of this definition which would be released as a result of the employment of such munitions and devices; or

(b) any equipment specifically designed for use directly in connection with the employment of those munitions or devices;

“controlled agents and toxins” has the same meaning assigned to the term under the Biological and Toxin Weapons (Prohibition) Act;

“Convention” means the Convention on the Prohibition, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, signed by the State Parties on the 13th January, 1993, as amended from time to time;

“Director” means the Director of the Authority appointed under section 7 (2);

“facility” means any equipment, including any building or vessel housing the equipment, where at any stage in the production of scheduled chemicals, the material flows would contain any of the scheduled chemicals;

“inspector” means a person appointed as such under section 24;

“member” means a member of the Board appointed under section 7;

“non-State Party” means a State that is not a signatory to the Convention;

“nuclear material” has the same meaning assigned to the term under the Nuclear Weapons (Prohibition) Act;

“Organisation” means the Organisation for the Prohibition of Chemical Weapons established under the Convention;

“precursor” means any chemical reactant which is used in the production of a chemical weapon or any toxic chemical;

“proliferation financing” means the act of providing funds or financial services which are used, in whole or in part, for the manufacture, acquisition, possession, development, export, transshipment, brokering, transport, transfer, stockpiling or use of chemical toxins and their means of delivery and related materials, including both technologies and goods used for non-legitimate purposes;

“repealed Act” means the Chemical Weapons (Prohibition) Act repealed under section 34;

“riot control agent” means any chemical not listed in a Schedule 1, 2 or 3, which can produce rapidly in humans sensory irritation or disabling physical effects disappear within a short time following termination of exposure but does not include chloropicrin;

“Schedule 1 chemical” means a chemical listed in Schedule 2 to this Act;

“Schedule 2 chemical” means a chemical listed in Schedule 2 to this Act;

“Schedule 3 chemical” means a chemical listed in Schedule 2 to this Act;

“scheduled chemical” means a chemical that is listed in Schedule 2 to this Act;

“State Party” means a State that is a signatory to the Convention; and

“toxic chemical” means any scheduled chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals.

3. The Convention on the Prohibition, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, 1993, as set out in Schedule 1 to this Act including any amendments thereto, shall have force of law in Botswana.

4. This Act binds the State.

Application of
Convention

Act binds
State

PART II – *Establishment of Chemical, Biological, Nuclear and Radiological Weapons Management Authority*

5. (1) The Chemical Weapons Management Authority established under the repealed Act, is hereby continued as if established under this Act as the Chemical, Biological, Nuclear and Radiological Weapons Management Authority.

Continuation of
establishment
of Chemical
Weapons
Management
Authority

(2) Subject to the laws governing the public service, there shall be appointed a Director and such other officers of the Authority as may be deemed necessary.

(3) The Authority shall be under the general supervision of the Director.

6. (1) The Authority shall be the principal agency in Botswana for the management of scheduled chemicals, nuclear material and controlled agents and toxins and shall coordinate, monitor and supervise all activities related to scheduled chemicals, nuclear material and controlled agents and toxins in addition to any other power conferred on it by this Act, the Nuclear Weapons (Prohibition) Act and the Biological and Toxin Weapons (Prohibition) Act.

Functions of
Authority

(2) Notwithstanding the generality of subsection (1), the Authority shall —

(a) institute measures for the implementation of the Convention both solely and in cooperation with other public bodies, organs of Government, non-governmental organisations, private sector organisations and members of the public;

(b) monitor the implementation of this Act, the Nuclear Weapons (Prohibition) Act and the Biological and Toxin Weapons (Prohibition) Act and assess their effectiveness in improving the level of protection, control or prevention of the use of scheduled chemicals, nuclear material and controlled agents and toxins in Botswana, and to advise the Minister on ways of giving effect to the purposes of this Act, the Nuclear Weapons (Prohibition) Act and the Biological and Toxin Weapons (Prohibition) Act effectively;

- (c) issue any licence or permit required under this Act and the Biological and Toxin Weapons (Prohibition) Act;
- (d) keep and maintain a register of licences and permits issued under this Act and the Biological and Toxin Weapons (Prohibition) Act, and notifications and declaration made under this Act and the Biological and Toxin Weapons (Prohibition) Act;
- (e) prepare an annual report, which shall be submitted to the Minister, of all notifications, facilities and any other matter connected with the prohibition of the production, development, acquisition, stockpiling, retention, use or transfer of scheduled chemicals, nuclear material or controlled agents and toxins in Botswana, and their destruction;
- (f) publish and disseminate manuals, standards, codes of practice and guidelines relating to scheduled chemicals, nuclear material or controlled agents or toxins management;
- (g) carry out research, promote and coordinate information and data collection relating to the scheduled chemical industry relating to the scheduled chemicals, nuclear material industry or controlled agents and toxins;
- (h) conduct inspections and take other measures to monitor compliance with this Act, the Nuclear Weapons (Prohibition) Act and the Biological and Toxin Weapons (Prohibition) Act and to conduct investigations into alleged contraventions of these Acts;
- (i) investigate any matter that may have a negative effect on the scheduled chemical industry, nuclear material industry or controlled agents and toxins and make recommendations thereon to the Minister;
- (j) perform other functions incidental or conducive to the operation of this Act, the Nuclear Weapons (Prohibition) Act and the Biological and Toxin Weapons (Prohibition) Act as assigned to it by the Minister from time to time; and
- (k) manage and control the use of scheduled chemicals, nuclear material and controlled agents and toxins as well as to regulate the field of chemistry so as to ensure that their exclusive use is for the benefit of mankind.

PART III — *Establishment and Membership of Board*

7. (1) There is hereby established a Board of the Authority which shall perform such functions as may be conferred on it under this Act.
- (2) The Board shall consist of the following members appointed by the Minister —

- (a) the Permanent Secretary from the Ministry of Defence, Justice and Security;
- (b) a nominee from the ministry responsible for agriculture;

- (c) a nominee from the ministry for health;
- (d) a nominee from the Attorney General's Chambers;
- (e) a member from the ministry responsible for environment, wildlife and tourism;
- (f) the Director of the Radiation Inspectorate established under the Radiation Protection Act;
- (g) a nominee from the Botswana Police Service;
- (h) a nominee from the Botswana Defence Force;
- (i) the Director of International Trade;
- (j) a nominee from the Directorate of Intelligence and Security established under the Intelligence and Security Service Act;
- (k) the Director as an *ex officio* member;
- (l) two persons who possess the skill, experience and competence in environmental issues, scheduled chemicals, nuclear material or controlled agents and toxins and other chemistry or biology-related professions;
- (m) a representative of the mines or mining industry; and
- (n) a representative of the Botswana Institute for Technology, Research and Innovation.

Cap. 24:03

Cap. 23:02

(3) The Minister shall appoint a Chairperson of the Board and the members shall elect a member from among their number to be the Vice Chairperson.

8. (1) The Board shall —

Functions of Board

- (a) determine policies for giving effect to the objects and purposes of this Act, the Nuclear Weapons (Prohibition) Act and the Biological and Toxin Weapons (Prohibition) Act;
- (b) advise the Minister to change, review or formulate scheduled chemical, nuclear material or controlled agents and toxins policies and strategies where necessary;
- (c) recommend standards, codes of practice, guidelines and legislation to the Minister; and
- (d) investigate any matter that may have a negative effect on the scheduled chemical industry, nuclear material industry or controlled agents and toxins and make recommendations thereon to the Minister.

(2) The Minister may give the Board written directions, of a general or specific nature, regarding the exercise of its powers and the performance of its functions, which directions shall not be inconsistent with this Act, the Nuclear Weapons (Prohibition) Act and the Biological and Toxin Weapons (Prohibition) Act.

(3) The Board shall give effect to the Minister's directions given in accordance with subsection (2).

9. (1) Subject to the provisions of this Act, Board shall regulate its own proceedings.

Meetings of the Board

(2) The Board shall meet for the transaction of its business at least four times in a year.

(3) Upon giving notice in writing of not less than 14 days, a meeting of the Board may be called by the Chairperson provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving of a shorter notice.

(4) The quorum at any meeting of the Board shall be a simple majority of the members of the Board.

(5) There shall preside at any meeting of the Board —

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice-Chairperson; or

(c) in the absence of the Chairperson and Vice-Chairperson, such member as the members present may elect from amongst themselves for the purpose of that meeting.

(6) A decision of the Board on any question shall be by the majority of the members present and voting at the meeting and, in the event of an equality of votes, the member presiding shall have a casting vote in addition to that person's deliberative vote.

Disclosure of
interest

10. (1) A member attending a meeting of the Board, at which meeting a matter which is the subject of consideration is one in which he or she is directly or indirectly interested in a private capacity, the member shall, as soon as practicable after the commencement of the meeting, disclose the full nature and extent of such interest and shall not, unless the Board otherwise directs, take part in any consideration or discussion of, or vote on any question touching upon, such matter.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting at which it was made.

(3) Where a member of the Board fails to disclose his or her interest in accordance with subsection (1) and a decision of the Board is made benefitting such member, the decision shall be null and void.

(4) A person who contravenes the provisions of subsection (1) commits an offence and is liable to a fine not exceeding P50 000, or to imprisonment for a term not exceeding five years, or to both.

Confidentiality

11. (1) A member attending a meeting of the Board shall observe and preserve the confidentiality of all matters coming before the Board, and such confidentiality shall subsist even after the termination of their terms of office or their expert mandates.

(2) Any person to whom confidential information is revealed through working with the Board or the Authority shall not disclose that information to any other person unless he or she is required to do so in terms of any written law.

(3) A person who contravenes the provisions of this section commits an offence and is liable to a fine not exceeding P10 000, or to imprisonment for a term not exceeding three months, or to both.

Secretarial
Services

12. (1) The Authority shall provide secretarial services to the Board.
(2) Any representative of the Authority who attends the meetings of the Board to provide secretarial services shall have no right to vote, and shall be responsible for the accurate and complete recording of the Board's proceedings and decisions.

Committees of
Board

13. (1) The Board may appoint such committees as it considers appropriate, consisting of its members.

(2) The Board may delegate any of its functions or powers under this Act to a committee appointed under subsection (1) to carry out the functions under this Act, the Nuclear Weapons (Prohibition) Act or the Biological and Toxin Weapons (Prohibition) Act.

PART IV — *Chemical Weapons and Chemicals for Permitted Purposes*

Chemical
weapons

14. (1) Subject to this Act, a person shall not —

- (a) produce, develop, use, possess, acquire, develop, export, transport, stockpile or retain, or transfer, directly or indirectly to another person, a chemical weapon;
- (b) construct, convert, maintain or use any premises or equipment for the production, development, retention, use or transfer of chemical weapons;
- (c) assist another person to produce, develop, retain, use or transfer a chemical weapon either through assisting in the construction, conversion, maintenance or use of any premises or equipment;
- (d) engage in preparations of a military nature to use a chemical weapon;
- (e) use a riot control agent as a method of warfare; or
- (f) engage in the proliferation financing of any chemical weapon.

(2) Any action referred to in subsection (1) undertaken outside Botswana by a citizen of Botswana shall be deemed to have been undertaken at any place within Botswana.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable to a fine of P15 000 000 or to life imprisonment, or to both.

(4) A person who releases scheduled chemicals for the purpose of causing serious bodily injury or killing human beings, animals or plants or causing damage to property or natural resources commits an offence and is liable to a fine of P15 000 000 or to life imprisonment, or to both, where the act does not result in death, and where the act results in death is liable to the death penalty.

Schedule 1
chemicals and
precursors

15. (1) Except as authorised by this Act, a person shall not produce, use, acquire, possess, transfer, import or export a Schedule 1 chemical or its precursor.

(2) For the purposes of subsection (1), Schedule 1 chemicals can only be produced, used, acquired, retained or transferred for research, medical or pharmaceutical purposes.

(3) The type and quantities of the scheduled chemicals or precursors shall be taken into account in determining whether a toxic chemical or precursor is a chemical weapon.

(4) A person who contravenes this section commits an offence and is liable to a fine of P25 000 000 or to life imprisonment, or to both.

Schedule 2
chemicals

16. (1) Except as authorised by this Act, a person shall not receive, transfer, import or export a Schedule 2 chemical or its precursor to a non-State Party —

- (a) without first notifying the Authority; and
- (b) unless it contains a low concentration of Schedule 2 chemicals to the extent allowed by the Convention.

(2) A person shall produce, process or use a Schedule 2 chemical in accordance with regulations prescribed by the Minister and subject to making such notifications and declarations required under Part V.

(3) A person who contravenes this section commits an offence and is liable to a fine of P3 000 000 or to imprisonment for a term of 20 years, or to both.

Schedule 3
chemicals

17. (1) Except as authorised by this Act, a person shall not receive, transfer, import or export a Schedule 3 chemical without first notifying the Authority.

(2) Any person who wishes to transfer a Schedule 3 chemical or its precursor to a non-State party shall first obtain an end-user certificate from a competent governmental authority in the non-State Party where the chemical is transferred to.

(3) A person shall produce, process or use a Schedule 3 chemical in accordance with regulations prescribed by the Minister and subject to making such notifications and declarations to the Authority as required under Part V.

(4) A person who contravenes a provision of this section commits an offence and is liable to a fine of P1 500 000 or to imprisonment for a term of 10 years, or to both.

Chemical
facilities

18. (1) The operator of a facility where any of the scheduled chemicals is likely to be produced, acquired, retained, used or transferred shall not carry out any activity that would lead to the production, acquisition, retention, use or transfer of any scheduled chemicals without first obtaining the necessary licence in accordance with regulations prescribed by the Minister and subject to making such notifications and declarations to the Authority as required under Part V.

(2) A person who contravenes this section commits an offence and is liable to a fine not exceeding P1 500 000, or to imprisonment for a term of 10 years, or to both.

(3) The Authority may debar a person who contravenes this section from obtaining any licence under this Act for five years.

PART V — *Notifications and Declarations*

19. (1) If a person finds a substance or article in Botswana that the person believes may be a chemical weapon, nuclear weapon or biological or toxin weapon the person shall immediately notify —

- (a) the Director; or
 - (b) a police officer,
- of the finding and location of the substance or article concerned.

Notifications
of finding of
substances or
articles believed
to be chemical
weapons,
nuclear weapons
or biological
or toxin weapons

(2) Where a person notifies a police officer under subsection (1), it shall be the responsibility of the police officer to notify the Director of the matter.

(3) A person who contravenes subsection (1) commits an offence and is liable to a fine not exceeding P10 000, or to imprisonment for a term not exceeding three months, or to both.

20. (1) Subject to subsection (2), any person who transfers a Schedule 1 chemical shall notify the Authority 45 days before the transfer of any such chemical to another State Party.

Notifications
and declarations
for Schedule 1
chemicals

(2) A person shall make a notification to the Authority at least five days before the transfer of the Schedule 1 chemical saxitoxin if —

(a) the transfer is for medical or diagnostic purposes; and

(b) the transfer is for quantities of 5 milligrams or less.

(3) A person who contravenes subsection (1) commits an offence and is liable to a fine not exceeding P3 000 000 or to imprisonment for a term of 20 years, or to both.

21. (1) Any person who transfers a Schedule 2 chemical shall declare all transfers relating such transfers within 30 days after the end of the calendar year.

Declarations for
Schedule 2
chemicals

(2) A person who contravenes subsection (1) commits an offence and is liable to a fine not exceeding P1 500 000 or to imprisonment for a term of 10 years, or to both.

22. (1) Any person who transfers a Schedule 3 chemical shall declare all transfers relating such transfers within 30 days after the end of the calendar year.

Declarations for
Schedule 3
chemicals

(2) A person who contravenes subsection (1) commits an offence and is liable to a fine not exceeding P500 000 or to imprisonment for a term of five years, or to both.

23. The Director shall compile all notifications and declarations required under this Part and submit to the Organisation a detailed annual declaration within 90 days after the end of the calendar year.

Declarations
by Authority

PART VI — *Inspections and Enforcement*

24. (1) The Director may appoint such number of officers of the Authority as he or she thinks fit to be inspectors for purposes of this Act, the Nuclear Weapons (Prohibition) Act or the Biological and Toxin Weapons (Prohibition) Act.

Inspectors

(2) The Authority shall issue to every inspector an identity card of authority and, when exercising a power conferred on him or her under this Act, the Nuclear Weapons (Prohibition) Act or the Biological and Toxin Weapons (Prohibition) Act the inspector shall, on being so requested by a person in charge of a place to be inspected, show the identity card to that person.

25. (1) An inspector may, for the purposes of ensuring that this Act is complied with —

Inspections

- (a) at any reasonable time enter any place with reasonable force if necessary and as may be permitted by a warrant issued under section 26 –
 - (i) in respect of which under Part V information has been or is required to be provided,
 - (ii) which place is subject to an on-site challenge inspection referred to in paragraph 8 of Article IX of the Convention,
 - (iii) in respect of a place which an investigation under paragraph 9 of Article X of the Convention has been initiated, or
 - (iv) in, at or on any place which there are reasonable grounds to believe an offence against this Act has been or is being committed, and inspect the place;
- (b) request any person in, at or on the place to give to the inspector access to any area, container or thing in, at or on the place;
- (c) secure under a warrant issued under section 26, for later inspection, any such place or area, or any container or thing in, at or on the place;
- (d) examine any container or thing in, at or on the place;
- (e) request any person in charge or employed in, at or on the place to produce to the inspector such information contained in the records, files, papers or electronic information systems kept in, at or on, or used in relation to, the place and, in the case of such information in a non-legible form, to reproduce it in a legible form;
- (f) inspect and take copies of or extracts from any such records, files, papers or electronic information system in, at or on the place, including in the case of information in a non-legible form, copies of or extracts from such information in a permanent legible form;
- (g) remove and retain, under a warrant under subsection (2), those records, files or papers or equipment used in such information systems, for such period as may be reasonable for further examination or until the conclusion of any legal proceedings;
- (h) have photographs taken of any thing in, at or on the place and remove the photographs from the place;
- (i) where appropriate, install, use and maintain in, at or on the place monitoring instruments, systems and seals in a manner consistent with the Convention;
- (j) take samples for analysis of any thing in, at or on the place, without payment, and analyse those samples or remove them from the place for analysis outside the place;
- (k) as regards any product or any article or substance used in the manufacture of a product the inspector finds in, at or on the place, require any person in, at or on the place, or who appears to the inspector to be in possession of the product or the article or substance, to supply without payment for test, examination or analysis, sufficient samples thereof;

- (l) cause any product or any substance or thing used in the manufacture of a product found in, at or on the place the possession or use of which appears to the inspector to constitute an offence under this Act, to be dismantled or subjected to any process or test, but not so as to damage or destroy it unless it is in the circumstances necessary for the purposes of this Act;
- (m) take possession of any such product, substance or thing in, at or on the place and retain it for so long as is necessary for all or any of the following purposes —
 - (i) to examine or arrange for its examination and do to it anything that he or she has power to do under paragraph (g),
 - (ii) to ensure that it is not tampered with before the examination is completed, and
 - (iii) to ensure that it is available for use as evidence in any proceedings;
- (n) require any person in, at or on the place to afford the inspector such facilities and assistance within the person's control or responsibilities as are reasonably necessary to enable the inspector to exercise any of the powers conferred on him or her by or under this Act; and
- (o) exercise such other powers as may be necessary to ensure that this Act is complied with.

(2) Before exercising the power conferred under subsection (1) (g) in the case of any substance or thing, an inspector shall, so far as it is reasonably practicable to do, consult such persons as appear to him or her to be appropriate for the purposes of ascertaining what danger, if any, there may be in doing anything that he or she proposes to do under that power.

(3) Where an inspector exercises the power under subsection (1) (l), the inspector shall, if required by a person who at the time is present in, at or on and is in charge of the place, cause anything which is to be done by virtue of that power to be done in the presence of that person.

(4) Where under the power conferred by subsection (1) (m) an inspector takes possession of any substance or thing found in, at or on a place, the inspector shall, if it is practicable for him or her to do so, take samples of the substance or thing and give to a person who holds himself or herself out as being in charge of the place, a portion of the sample marked in a manner sufficient to identify it.

26. (1) An inspector shall not, except with the consent of the occupier, enter a place unless he or she has obtained a search warrant from a Magistrate's Court under subsection (4) authorising such entry.

(2) Where an inspector in the exercise of his or her powers under this section is prevented from entering any place, an application may be made to the Magistrate's Court for a search warrant under subsection (4) authorising such entry.

(3) An inspector may, where he or she considers it necessary, be accompanied by a law enforcement officer when exercising any powers conferred on an inspector under this Act.

Powers of
entry and
search

(4) Without prejudice to the powers conferred on an inspector under any other provision of this Act, if a magistrate is satisfied on the sworn information of an inspector that —

- (a) there are reasonable grounds for suspecting that there is information required by an inspector under this Act held in, at or on any place;
- (b) there is a product, substance or thing that an inspector requires to inspect for the purposes of this Act; or
- (c) an inspection is likely to disclose evidence of a contravention of this Act, the magistrate may issue a search warrant authorising an inspector, accompanied by other inspectors or law enforcement officers, at any time or times within one month from the date of issue of the warrant, to enter the place, if need be by reasonable force, and exercise all or any of the powers conferred on inspectors under this Act.

(5) An application for a search warrant under subsection (4) shall be made to a Magistrate's Court in the district in which the place to be searched is situated.

(6) Where under this section a warrant under subsection (4) would otherwise be required to exercise a power by an inspector, it shall not be so required if the conditions for obtaining a warrant exist but, by reason of exigent circumstances, it would not be practicable to obtain the warrant.

(7) Any person who —

- (a) obstructs or interferes with an inspector in the exercise of his or her powers under this Act;
- (b) refuses or fails to comply with a request by an inspector under this Act; or
- (c) makes a statement to an inspector which the person knows to be false or misleading or which he or she does not believe to be true, commits an offence and is liable to a fine not exceeding P500,000 or to imprisonment for a term not exceeding five years, or to both.

27. Where a member of the Police Service suspects, on reasonable grounds, that an offence under this Act has been or is being committed in, at or on any place or by any person, and that member of the Police Service has and may exercise, in relation to that place or person, in addition to any powers that he or she may have by virtue of being a member of the Police Service, any of the powers of an inspector under this Act.

28. (1) Any chemical weapon, nuclear weapon or biological or toxin weapon that is developed, produced or otherwise acquired, stockpiled, retained or transferred in contravention of this Act shall be forfeited to the State and shall be disposed of as the Authority may direct.

(2) An inspector may seize any substance or article which is forfeited or which the inspector has reasonable grounds to believe should be forfeited to the State as a chemical weapon, nuclear weapon or biological or toxin weapon under subsection (1).

Members of the Police Service to have powers of inspectors in certain circumstances

Forfeiture, seizure and disposal of chemical weapons, nuclear weapons or biological or toxin weapons

(3) Where a person has been convicted of an offence under this Act, the Nuclear Weapons (Prohibition) Act and the Biological and Toxin Weapons (Prohibition) Act any chemical weapon, nuclear weapon or biological or toxin weapon or other thing seized by means of or in respect of which the offence was committed is forfeited to the State shall be disposed of as the Authority may direct.

29. An inspector shall not be liable to be sued in any civil court in respect of anything done or omitted to be done by such inspector, if the thing is done or omitted to be done bona fide in the course of the operations of the Authority, render that inspector personally liable to an action, claim, demand.

Indemnity

PART VII — *Miscellaneous Provisions*

30. (1) The Director may, by written notice, require a person to give such information as may be prescribed within such reasonable period and in such manner as is specified in the notice.

Director may
seek information

(2) The Director may, by written notice given to a person, require the person to give to the Director particular documents, or documents of a particular kind, specified in the notice, within such reasonable period as is specified in the notice.

(3) Any person who fails to comply with a notice given under this section commits an offence and is liable to a fine not exceeding P150 000, or to a term of imprisonment not exceeding two years, or to both.

(4) The power of the Director under this section to require a person to give information or documents is in addition to any obligation to give information or documents that the person may have under section 25; or any other power the Director has under this Act to require the person to give information or documents.

31. (1) A citizen of Botswana, or a person who permanently resides in Botswana, who commits an act outside Botswana that constitutes an offence under this Act if committed in Botswana, commits an offence and shall be liable to a penalty as prescribed under this Act.

Extra-territorial
jurisdiction

(2) Any act prohibited under Part V undertaken outside Botswana by a citizen of Botswana shall be deemed to have been undertaken at any place within Botswana.

(3) A person may not be convicted of an offence under subsection (1) if such a person has been acquitted or convicted in the country where that offence was committed.

32. It shall not be a defence to an offence under this Act for a person charged with the offence to plead that he or she acted in an official capacity or under the orders or instructions of his or her superior, provided that the person knew or ought to have known that he or she contravened the Act.

Official capacity
or superior
orders not a
defence

33. The Minister may make regulations for any matter which is required to be prescribed or for the better carrying out of the provisions of this Act and without derogating from the generality of the foregoing, such regulations may prescribe —

Regulations

- (a) a declaration regime for all declarations required under the Convention;
- (b) a licensing regime for all licences to be granted;
- (c) activities involving the production, processing or use of scheduled chemicals that is carried out, was carried out, or is anticipated to be carried out in the future; and
- (d) any forms and fees as may be required under this Act.

(2) When required under subsection (1), the regulations establishing a licensing and a declaration regime shall ensure that the Authority is enabled to —

- (a) prevent prohibited activities and comply with the requirements of the Convention;
- (b) gather all information as required under Article VI of the Convention;
- (c) make all declarations to the Organisation under Article VI of the Convention in a comprehensive and timely manner; and
- (d) ensure that international inspections can be carried out in any place in Botswana when required by the Convention.

34. The Chemical Weapons (Prohibition) Act is hereby repealed.

35. (1) Any licence, permit, notice, order or authorisation issued or granted under the provisions of the repealed Act shall remain valid until its expiry date whereupon the holder of such licence, permit, notice, order or authorisation shall apply under this Act for a new licence, permit, notice, order or authorisation.

(2) Any decisions made and any other actions lawfully taken under the repealed Act are hereby deemed to be decisions made and actions taken under this Act.

(3) Any legal proceedings which, before the coming into operation of this Act, were pending shall be continued or enforced by or against the Authority in the same manner as they would have been continued or enforced before the coming into operation of this Act.

(4) The Board of the Authority, established under the repealed Act, shall continue as if established under this Act.

Repeal of Cap.
24:04

Transitional
and Savings

SCHEDULE

SCHEDULE 1

*(sections 2 and 4)*CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT,
PRODUCTION, STOCKPILING AND USE OF CHEMICAL
WEAPONS AND ON THEIR DESTRUCTION

PREAMBLE

The States Parties to this Convention,

Determined to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction,

Desiring to contribute to the realization of the purposes and principles of the Charter of the United Nations,

Recalling that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925 (the Geneva Protocol of 1925),

Recognizing that this Convention reaffirms principles and objectives of and obligations assumed under the Geneva Protocol of 1925, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction signed at London, Moscow and Washington on 10 April 1972,

Bearing in mind the objective contained in Article IX of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction,

Determined for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons, through the implementation of the provisions of this Convention, thereby complementing the obligations assumed under the Geneva Protocol of 1925,

Recognizing the prohibition, embodied in the pertinent agreements and relevant principles of international law, of the use of herbicides as a method of warfare,

Considering that achievements in the field of chemistry should be used exclusively for the benefit of mankind,

Desiring to promote free trade in chemicals as well as international cooperation and exchange of scientific and technical information in the field of chemical activities for purposes not prohibited under this Convention in order to enhance the economic and technological development of all States Parties,

Convinced that the complete and effective prohibition of the development, production, acquisition, stockpiling, retention, transfer and use of chemical weapons, and their destruction, represent a necessary step towards the achievement of these common objectives,

Have agreed as follows:

ARTICLE I

GENERAL OBLIGATIONS

1. Each State Party to this Convention undertakes never under any circumstances:
 - (a) To develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone;
 - (b) To use chemical weapons;
 - (c) To engage in any military preparations to use chemical weapons;
 - (d) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.
2. Each State Party undertakes to destroy chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention.
3. Each State Party undertakes to destroy all chemical weapons it abandoned on the territory of another State Party, in accordance with the provisions of this Convention.
4. Each State Party undertakes to destroy any chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention.
5. Each State Party undertakes not to use riot control agents as a method of warfare.

ARTICLE II

DEFINITIONS AND CRITERIA

For the purposes of this Convention:

1. "Chemical Weapons" means the following, together or separately:
 - (a) Toxic chemicals and their precursors, except where intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes;
 - (b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (a), which would be released as a result of the employment of such munitions and devices;
 - (c) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (b).
2. "Toxic Chemical" means:
Any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.
(For the purpose of implementing this Convention, toxic chemicals which have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals.)
3. "Precursor" means:
Any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multicomponent chemical system.
(For the purpose of implementing this Convention, precursors which have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals.)
4. "Key Component of Binary or Multicomponent Chemical Systems" (hereinafter referred to as "key component") means:
The precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system.
5. "Old Chemical Weapons" means:
 - (a) Chemical weapons which were produced before 1925; or
 - (b) Chemical weapons produced in the period between 1925 and 1946 that have deteriorated to such extent that they can no longer be used as chemical weapons.
6. "Abandoned Chemical Weapons" means:
Chemical weapons, including old chemical weapons, abandoned by a State after 1 January 1925 on the territory of another State without the consent of the latter.

7. "Riot Control Agent" means:

Any chemical not listed in a Schedule, which can produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure.

8. "Chemical Weapons Production Facility":

(a) Means any equipment, as well as any building housing such equipment, that was designed, constructed or used at any time since 1 January 1946:

(i) As part of the stage in the production of chemicals ("final technological stage") where the material flows would contain, when the equipment is in operation:

- (1) Any chemical listed in Schedule 1 in the Annex on Chemicals; or
- (2) Any other chemical that has no use, above 1 tonne per year on the territory of a State Party or in any other place under the jurisdiction or control of a State Party, for purposes not prohibited under this Convention, but can be used for chemical weapons purposes;

or

(ii) For filling chemical weapons, including, inter alia, the filling of chemicals listed in Schedule 1 into munitions, devices or bulk storage containers; the filling of chemicals into containers that form part of assembled binary munitions and devices or into chemical submunitions that form part of assembled unitary munitions and devices, and the loading of the containers and chemical submunitions into the respective munitions and devices;

(b) Does not mean:

- (i) Any facility having a production capacity for synthesis of chemicals specified in subparagraph (a) (i) that is less than 1 tonne;
- (ii) Any facility in which a chemical specified in subparagraph (a) (i) is or was produced as an unavoidable by product of activities for purposes not prohibited under this Convention, provided that the chemical does not exceed 3 per cent of the total product and that the facility is subject to declaration and inspection under the Annex on Implementation and Verification (hereinafter referred to as "Verification Annex"); or
- (iii) The single small scale facility for production of chemicals listed in Schedule 1 for purposes not prohibited under this Convention as referred to in Part VI of the Verification Annex.

9. "Purposes Not Prohibited Under this Convention" means:

- (a) Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;
- (b) Protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;
- (c) Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare;
- (d) Law enforcement including domestic riot control purposes.

10. "Production Capacity" means:

The annual quantitative potential for manufacturing a specific chemical based on the technological process actually used or, if the process is not yet operational, planned to be used at the relevant facility. It shall be deemed to be equal to the nameplate capacity or, if the nameplate capacity is not available, to the design capacity. The nameplate capacity is the product output under conditions optimized for maximum quantity for the production facility, as demonstrated by one or more test runs. The design capacity is the corresponding theoretically calculated product output.

11. "Organization" means the Organization for the Prohibition of Chemical Weapons established pursuant to Article VIII of this Convention.

12. For the purposes of Article VI:

- (a) "Production" of a chemical means its formation through chemical reaction;
- (b) "Processing" of a chemical means a physical process, such as formulation, extraction and purification, in which a chemical is not converted into another chemical;
- (c) "Consumption" of a chemical means its conversion into another chemical via a chemical reaction.

ARTICLE III

DECLARATIONS

1. Each State Party shall submit to the Organization, not later than 30 days after this Convention enters into force for it, the following declarations, in which it shall:
 - (a) With respect to chemical weapons:
 - (i) Declare whether it owns or possesses any chemical weapons, or whether there are any chemical weapons located in any place under its jurisdiction or control;
 - (ii) Specify the precise location, aggregate quantity and detailed inventory of chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with Part IV (A), paragraphs 1 to 3, of the Verification Annex, except for those chemical weapons referred to in sub subparagraph (iii);
 - (iii) Report any chemical weapons on its territory that are owned and possessed by another State and located in any place under the jurisdiction or control of another State, in accordance with Part IV (A), paragraph 4, of the Verification Annex;
 - (iv) Declare whether it has transferred or received, directly or indirectly, any chemical weapons since 1 January 1946 and specify the transfer or receipt of such weapons, in accordance with Part IV (A), paragraph 5, of the Verification Annex;
 - (v) Provide its general plan for destruction of chemical weapons that it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with Part IV (A), paragraph 6, of the Verification Annex;
 - (b) With respect to old chemical weapons and abandoned chemical weapons:
 - (i) Declare whether it has on its territory old chemical weapons and provide all available information in accordance with Part IV (B), paragraph 3, of the Verification Annex;
 - (ii) Declare whether there are abandoned chemical weapons on its territory and provide all available information in accordance with Part IV (B), paragraph 8, of the Verification Annex;
 - (iii) Declare whether it has abandoned chemical weapons on the territory of other States and provide all available information in accordance with Part IV (B), paragraph 10, of the Verification Annex;
 - (c) With respect to chemical weapons production facilities:
 - (i) Declare whether it has or has had any chemical weapons production facility under its ownership or possession, or that is or has been located in any place under its jurisdiction or control at any time since 1 January 1946;
 - (ii) Specify any chemical weapons production facility it has or has had under its ownership or possession or that is or has been located in any place under its jurisdiction or control at any time since 1 January 1946, in accordance with Part V, paragraph 1, of the Verification Annex, except for those facilities referred to in sub subparagraph (iii);

- (iii) Report any chemical weapons production facility on its territory that another State has or has had under its ownership and possession and that is or has been located in any place under the jurisdiction or control of another State at any time since 1 January 1946, in accordance with Part V, paragraph 2, of the Verification Annex;
 - (iv) Declare whether it has transferred or received, directly or indirectly, any equipment for the production of chemical weapons since 1 January 1946 and specify the transfer or receipt of such equipment, in accordance with Part V, paragraphs 3 to 5, of the Verification Annex;
 - (v) Provide its general plan for destruction of any chemical weapons production facility it owns or possesses, or that is located in any place under its jurisdiction or control, in accordance with Part V, paragraph 6, of the Verification Annex;
 - (vi) Specify actions to be taken for closure of any chemical weapons production facility it owns or possesses, or that is located in any place under its jurisdiction or control, in accordance with Part V, paragraph 1 (i), of the Verification Annex;
 - (vii) Provide its general plan for any temporary conversion of any chemical weapons production facility it owns or possesses, or that is located in any place under its jurisdiction or control, into a chemical weapons destruction facility, in accordance with Part V, paragraph 7, of the Verification Annex;
- (d) With respect to other facilities:
Specify the precise location, nature and general scope of activities of any facility or establishment under its ownership or possession, or located in any place under its jurisdiction or control, and that has been designed, constructed or used since 1 January 1946 primarily for development of chemical weapons. Such declaration shall include, inter alia, laboratories and test and evaluation sites;
- (e) With respect to riot control agents: Specify the chemical name, structural formula and Chemical Abstracts Service (CAS) registry number, if assigned, of each chemical it holds for riot control purposes. This declaration shall be updated not later than 30 days after any change becomes effective.
2. The provisions of this Article and the relevant provisions of Part IV of the Verification Annex shall not, at the discretion of a State Party, apply to chemical weapons buried on its territory before 1 January 1977 and which remain buried, or which had been dumped at sea before 1 January 1985.

ARTICLE IV

CHEMICAL WEAPONS

1. The provisions of this Article and the detailed procedures for its implementation shall apply to all chemical weapons owned or possessed by a State Party, or that are located in any place under its jurisdiction or control, except old chemical weapons and abandoned chemical weapons to which Part IV (B) of the Verification Annex applies.
2. Detailed procedures for the implementation of this Article are set forth in the Verification Annex.
3. All locations at which chemical weapons specified in paragraph 1 are stored or destroyed shall be subject to systematic verification through on site inspection and monitoring with on site instruments, in accordance with Part IV (A) of the Verification Annex.
4. Each State Party shall, immediately after the declaration under Article III, paragraph 1 (a), has been submitted, provide access to chemical weapons specified in paragraph 1 for the purpose of systematic verification of the declaration through on site inspection. Thereafter, each State Party shall not remove any of these chemical weapons, except to a chemical weapons destruction facility. It shall provide access to such chemical weapons, for the purpose of systematic on site verification.
5. Each State Party shall provide access to any chemical weapons destruction facilities and their storage areas, that it owns or possesses, or that are located in any place under its jurisdiction or control, for the purpose of systematic verification through on site inspection and monitoring with on site instruments.
6. Each State Party shall destroy all chemical weapons specified in paragraph 1 pursuant to the Verification Annex and in accordance with the agreed rate and sequence of destruction (hereinafter referred to as "order of destruction"). Such destruction shall begin not later than two years after this Convention enters into force for it and shall finish not later than 10 years after entry into force of this Convention. A State Party is not precluded from destroying such chemical weapons at a faster rate.
7. Each State Party shall:
 - (a) Submit detailed plans for the destruction of chemical weapons specified in paragraph 1 not later than 60 days before each annual destruction period begins, in accordance with Part IV (A), paragraph 29, of the Verification Annex; the detailed plans shall encompass all stocks to be destroyed during the next annual destruction period;
 - (b) Submit declarations annually regarding the implementation of its plans for destruction of chemical weapons specified in paragraph 1, not later than 60 days after the end of each annual destruction period; and
 - (c) Certify, not later than 30 days after the destruction process has been completed, that all chemical weapons specified in paragraph 1 have been destroyed.

8. If a State ratifies or accedes to this Convention after the 10 year period for destruction set forth in paragraph 6, it shall destroy chemical weapons specified in paragraph 1 as soon as possible. The order of destruction and procedures for stringent verification for such a State Party shall be determined by the Executive Council.
9. Any chemical weapons discovered by a State Party after the initial declaration of chemical weapons shall be reported, secured and destroyed in accordance with Part IV (A) of the Verification Annex.
10. Each State Party, during transportation, sampling, storage and destruction of chemical weapons, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State Party shall transport, sample, store and destroy chemical weapons in accordance with its national standards for safety and emissions.
11. Any State Party which has on its territory chemical weapons that are owned or possessed by another State, or that are located in any place under the jurisdiction or control of another State, shall make the fullest efforts to ensure that these chemical weapons are removed from its territory not later than one year after this Convention enters into force for it. If they are not removed within one year, the State Party may request the Organization and other States Parties to provide assistance in the destruction of these chemical weapons.
12. Each State Party undertakes to cooperate with other States Parties that request information or assistance on a bilateral basis or through the Technical Secretariat regarding methods and technologies for the safe and efficient destruction of chemical weapons.
13. In carrying out verification activities pursuant to this Article and Part IV (A) of the Verification Annex, the Organization shall consider measures to avoid unnecessary duplication of bilateral or multilateral agreements on verification of chemical weapons storage and their destruction among States Parties.
To this end, the Executive Council shall decide to limit verification to measures complementary to those undertaken pursuant to such a bilateral or multilateral agreement, if it considers that:
 - (a) Verification provisions of such an agreement are consistent with the verification provisions of this Article and Part IV (A) of the Verification Annex;
 - (b) Implementation of such an agreement provides for sufficient assurance of compliance with the relevant provisions of this Convention; and
 - (c) Parties to the bilateral or multilateral agreement keep the Organization fully informed about their verification activities.
14. If the Executive Council takes a decision pursuant to paragraph 13, the Organization shall have the right to monitor the implementation of the bilateral or multilateral agreement.
15. Nothing in paragraphs 13 and 14 shall affect the obligation of a State Party to provide declarations pursuant to Article III, this Article and Part IV (A) of the Verification Annex.

16. Each State Party shall meet the costs of destruction of chemical weapons it is obliged to destroy. It shall also meet the costs of verification of storage and destruction of these chemical weapons unless the Executive Council decides otherwise. If the Executive Council decides to limit verification measures of the Organization pursuant to paragraph 13, the costs of complementary verification and monitoring by the Organization shall be paid in accordance with the United Nations scale of assessment, as specified in Article VIII, paragraph 7.
17. The provisions of this Article and the relevant provisions of Part IV of the Verification Annex shall not, at the discretion of a State Party, apply to chemical weapons buried on its territory before 1 January 1977 and which remain buried, or which had been dumped at sea before 1 January 1985.

ARTICLE V

CHEMICAL WEAPONS PRODUCTION FACILITIES

1. The provisions of this Article and the detailed procedures for its implementation shall apply to any and all chemical weapons production facilities owned or possessed by a State Party, or that are located in any place under its jurisdiction or control.
2. Detailed procedures for the implementation of this Article are set forth in the Verification Annex.
3. All chemical weapons production facilities specified in paragraph 1 shall be subject to systematic verification through on site inspection and monitoring with on site instruments in accordance with Part V of the Verification Annex.
4. Each State Party shall cease immediately all activity at chemical weapons production facilities specified in paragraph 1, except activity required for closure.
5. No State Party shall construct any new chemical weapons production facilities or modify any existing facilities for the purpose of chemical weapons production or for any other activity prohibited under this Convention.
6. Each State Party shall, immediately after the declaration under Article III, paragraph 1 (c), has been submitted, provide access to chemical weapons production facilities specified in paragraph 1, for the purpose of systematic verification of the declaration through on site inspection.
7. Each State Party shall:
 - (a) Close, not later than 90 days after this Convention enters into force for it, all chemical weapons production facilities specified in paragraph 1, in accordance with Part V of the Verification Annex, and give notice thereof; and
 - (b) Provide access to chemical weapons production facilities specified in paragraph 1, subsequent to closure, for the purpose of systematic verification through on site inspection and monitoring with on site instruments in order to ensure that the facility remains closed and is subsequently destroyed.
8. Each State Party shall destroy all chemical weapons production facilities specified in paragraph 1 and related facilities and equipment, pursuant to the Verification Annex and in accordance with an agreed rate and sequence of destruction (hereinafter referred to as "order of destruction"). Such destruction shall begin not later than one year after this Convention enters into force for it, and shall finish not later than 10 years after entry into force of this Convention. A State Party is not precluded from destroying such facilities at a faster rate.
9. Each State Party shall:
 - (a) Submit detailed plans for destruction of chemical weapons production facilities specified in paragraph 1, not later than 180 days before the destruction of each facility begins;
 - (b) Submit declarations annually regarding the implementation of its plans for the destruction of all chemical weapons production facilities specified in paragraph 1, not later than 90 days after the end of each annual destruction period; and
 - (c) Certify, not later than 30 days after the destruction process has been completed, that all chemical weapons production facilities specified in paragraph 1 have been destroyed.

10. If a State ratifies or accedes to this Convention after the 10 year period for destruction set forth in paragraph 8, it shall destroy chemical weapons production facilities specified in paragraph 1 as soon as possible. The order of destruction and procedures for stringent verification for such a State Party shall be determined by the Executive Council.
 11. Each State Party, during the destruction of chemical weapons production facilities, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State Party shall destroy chemical weapons production facilities in accordance with its national standards for safety and emissions.
 12. Chemical weapons production facilities specified in paragraph 1 may be temporarily converted for destruction of chemical weapons in accordance with Part V, paragraphs 18 to 25, of the Verification Annex. Such a converted facility must be destroyed as soon as it is no longer in use for destruction of chemical weapons but, in any case, not later than 10 years after entry into force of this Convention.
 13. A State Party may request, in exceptional cases of compelling need, permission to use a chemical weapons production facility specified in paragraph 1 for purposes not prohibited under this Convention. Upon the recommendation of the Executive Council, the Conference of the States Parties shall decide whether or not to approve the request and shall establish the conditions upon which approval is contingent in accordance with Part V, Section D, of the Verification Annex.
 14. The chemical weapons production facility shall be converted in such a manner that the converted facility is not more capable of being reconverted into a chemical weapons production facility than any other facility used for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes not involving chemicals listed in Schedule 1.
 15. All converted facilities shall be subject to systematic verification through on site inspection and monitoring with on site instruments in accordance with Part V, Section D, of the Verification Annex.
 16. In carrying out verification activities pursuant to this Article and Part V of the Verification Annex, the Organization shall consider measures to avoid unnecessary duplication of bilateral or multilateral agreements on verification of chemical weapons production facilities and their destruction among States Parties.
- To this end, the Executive Council shall decide to limit the verification to measures complementary to those undertaken pursuant to such a bilateral or multilateral agreement, if it considers that:
- (a) Verification provisions of such an agreement are consistent with the verification provisions of this Article and Part V of the Verification Annex;
 - (b) Implementation of the agreement provides for sufficient assurance of compliance with the relevant provisions of this Convention; and
 - (c) Parties to the bilateral or multilateral agreement keep the Organization fully informed about their verification activities.

17. If the Executive Council takes a decision pursuant to paragraph 16, the Organization shall have the right to monitor the implementation of the bilateral or multilateral agreement.
18. Nothing in paragraphs 16 and 17 shall affect the obligation of a State Party to make declarations pursuant to Article III, this Article and Part V of the Verification Annex.
19. Each State Party shall meet the costs of destruction of chemical weapons production facilities it is obliged to destroy. It shall also meet the costs of verification under this Article unless the Executive Council decides otherwise. If the Executive Council decides to limit verification measures of the Organization pursuant to paragraph 16, the costs of complementary verification and monitoring by the Organization shall be paid in accordance with the United Nations scale of assessment, as specified in Article VIII, paragraph 7.

ARTICLE VI

ACTIVITIES NOT PROHIBITED UNDER THIS CONVENTION

1. Each State Party has the right, subject to the provisions of this Convention, to develop, produce, otherwise acquire, retain, transfer and use toxic chemicals and their precursors for purposes not prohibited under this Convention.
2. Each State Party shall adopt the necessary measures to ensure that toxic chemicals and their precursors are only developed, produced, otherwise acquired, retained, transferred, or used within its territory or in any other place under its jurisdiction or control for purposes not prohibited under this Convention. To this end, and in order to verify that activities are in accordance with obligations under this Convention, each State Party shall subject toxic chemicals and their precursors listed in Schedules 1, 2 and 3 of the Annex on Chemicals, facilities related to such chemicals, and other facilities as specified in the Verification Annex, that are located on its territory or in any other place under its jurisdiction or control, to verification measures as provided in the Verification Annex.
3. Each State Party shall subject chemicals listed in Schedule 1 (hereinafter referred to as "Schedule 1 chemicals") to the prohibitions on production, acquisition, retention, transfer and use as specified in Part VI of the Verification Annex. It shall subject Schedule 1 chemicals and facilities specified in Part VI of the Verification Annex to systematic verification through on site inspection and monitoring with on site instruments in accordance with that Part of the Verification Annex.
4. Each State Party shall subject chemicals listed in Schedule 2 (hereinafter referred to as "Schedule 2 chemicals") and facilities specified in Part VII of the Verification Annex to data monitoring and on site verification in accordance with that Part of the Verification Annex.
5. Each State Party shall subject chemicals listed in Schedule 3 (hereinafter referred to as "Schedule 3 chemicals") and facilities specified in Part VIII of the Verification Annex to data monitoring and on site verification in accordance with that Part of the Verification Annex.
6. Each State Party shall subject facilities specified in Part IX of the Verification Annex to data monitoring and eventual on site verification in accordance with that Part of the Verification Annex unless decided otherwise by the Conference of the States Parties pursuant to Part IX, paragraph 22, of the Verification Annex.
7. Not later than 30 days after this Convention enters into force for it, each State Party shall make an initial declaration on relevant chemicals and facilities in accordance with the Verification Annex.
8. Each State Party shall make annual declarations regarding the relevant chemicals and facilities in accordance with the Verification Annex.
9. For the purpose of on site verification, each State Party shall grant to the inspectors access to facilities as required in the Verification Annex.
10. In conducting verification activities, the Technical Secretariat shall avoid undue intrusion into the State Party's chemical activities for purposes not prohibited under this Convention and, in particular, abide by the provisions set forth in the Annex on the Protection of Confidential Information (hereinafter referred to as "Confidentiality Annex").

11. The provisions of this Article shall be implemented in a manner which avoids hampering the economic or technological development of States Parties, and international cooperation in the field of chemical activities for purposes not prohibited under this Convention including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for purposes not prohibited under this Convention.

ARTICLE VII

NATIONAL IMPLEMENTATION MEASURES

General undertakings

1. Each State Party shall, in accordance with its constitutional processes, adopt the necessary measures to implement its obligations under this Convention. In particular, it shall:
 - (a) Prohibit natural and legal persons anywhere on its territory or in any other place under its jurisdiction as recognized by international law from undertaking any activity prohibited to a State Party under this Convention, including enacting penal legislation with respect to such activity;
 - (b) Not permit in any place under its control any activity prohibited to a State Party under this Convention; and
 - (c) Extend its penal legislation enacted under subparagraph (a) to any activity prohibited to a State Party under this Convention undertaken anywhere by natural persons, possessing its nationality, in conformity with international law.
2. Each State Party shall cooperate with other States Parties and afford the appropriate form of legal assistance to facilitate the implementation of the obligations under paragraph 1.
3. Each State Party, during the implementation of its obligations under this Convention, shall assign the highest priority to ensuring the safety of people and to protecting the environment, and shall cooperate as appropriate with other States Parties in this regard.

Relations between the State Party and the Organization

4. In order to fulfil its obligations under this Convention, each State Party shall designate or establish a National Authority to serve as the national focal point for effective liaison with the Organization and other States Parties. Each State Party shall notify the Organization of its National Authority at the time that this Convention enters into force for it.
5. Each State Party shall inform the Organization of the legislative and administrative measures taken to implement this Convention.
6. Each State Party shall treat as confidential and afford special handling to information and data that it receives in confidence from the Organization in connection with the implementation of this Convention. It shall treat such information and data exclusively in connection with its rights and obligations under this Convention and in accordance with the provisions set forth in the Confidentiality Annex.
7. Each State Party undertakes to cooperate with the Organization in the exercise of all its functions and in particular to provide assistance to the Technical Secretariat.

ARTICLE VIII

THE ORGANIZATION

A. GENERAL PROVISIONS

1. The States Parties to this Convention hereby establish the Organization for the Prohibition of Chemical Weapons to achieve the object and purpose of this Convention, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States Parties.
2. All States Parties to this Convention shall be members of the Organization. A State Party shall not be deprived of its membership in the Organization.
3. The seat of the Headquarters of the Organization shall be The Hague, Kingdom of the Netherlands.
4. There are hereby established as the organs of the Organization: the Conference of the States Parties, the Executive Council, and the Technical Secretariat.
5. The Organization shall conduct its verification activities provided for under this Convention in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. It shall request only the information and data necessary to fulfil its responsibilities under this Convention. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of this Convention and, in particular, shall abide by the provisions set forth in the Confidentiality Annex.
6. In undertaking its verification activities the Organization shall consider measures to make use of advances in science and technology.
7. The costs of the Organization's activities shall be paid by States Parties in accordance with the United Nations scale of assessment adjusted to take into account differences in membership between the United Nations and this Organization, and subject to the provisions of Articles IV and V. Financial contributions of States Parties to the Preparatory Commission shall be deducted in an appropriate way from their contributions to the regular budget. The budget of the Organization shall comprise two separate chapters, one relating to administrative and other costs, and one relating to verification costs.
8. A member of the Organization which is in arrears in the payment of its financial contribution to the Organization shall have no vote in the Organization if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The Conference of the States Parties may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

B. THE CONFERENCE OF THE STATES PARTIES

Composition, procedures and decision making

9. The Conference of the States Parties (hereinafter referred to as "the Conference") shall be composed of all members of this Organization. Each member shall have one representative in the Conference, who may be accompanied by alternates and advisers.

10. The first session of the Conference shall be convened by the depositary not later than 30 days after the entry into force of this Convention.
11. The Conference shall meet in regular sessions which shall be held annually unless it decides otherwise.
12. Special sessions of the Conference shall be convened:
 - (a) When decided by the Conference;
 - (b) When requested by the Executive Council;
 - (c) When requested by any member and supported by one third of the members;
 or
 - (d) In accordance with paragraph 22 to undertake reviews of the operation of this Convention.

Except in the case of subparagraph (d), the special session shall be convened not later than 30 days after receipt of the request by the Director General of the Technical Secretariat, unless specified otherwise in the request.

13. The Conference shall also be convened in the form of an Amendment Conference in accordance with Article XV, paragraph 2.
14. Sessions of the Conference shall take place at the seat of the Organization unless the Conference decides otherwise.
15. The Conference shall adopt its rules of procedure. At the beginning of each regular session, it shall elect its Chairman and such other officers as may be required. They shall hold office until a new Chairman and other officers are elected at the next regular session.
16. A majority of the members of the Organization shall constitute a quorum for the Conference.
17. Each member of the Organization shall have one vote in the Conference.
18. The Conference shall take decisions on questions of procedure by a simple majority of the members present and voting. Decisions on matters of substance should be taken as far as possible by consensus. If consensus is not attainable when an issue comes up for decision, the Chairman shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference before the end of this period. If consensus is not possible at the end of 24 hours, the Conference shall take the decision by a two thirds majority of members present and voting unless specified otherwise in this Convention. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the Conference by the majority required for decisions on matters of substance.

Powers and functions

19. The Conference shall be the principal organ of the Organization. It shall consider any questions, matters or issues within the scope of this Convention, including those relating to the powers and functions of the Executive Council and the Technical Secretariat. It may make recommendations and take decisions on any questions, matters or issues related to this Convention raised by a State Party or brought to its attention by the Executive Council.

20. The Conference shall oversee the implementation of this Convention, and act in order to promote its object and purpose. The Conference shall review compliance with this Convention. It shall also oversee the activities of the Executive Council and the Technical Secretariat and may issue guidelines in accordance with this Convention to either of them in the exercise of their functions.
21. The Conference shall:
 - (a) Consider and adopt at its regular sessions the report, programme and budget of the Organization, submitted by the Executive Council, as well as consider other reports;
 - (b) Decide on the scale of financial contributions to be paid by States Parties in accordance with paragraph 7;
 - (c) Elect the members of the Executive Council;
 - (d) Appoint the Director General of the Technical Secretariat (hereinafter referred to as "the Director General");
 - (e) Approve the rules of procedure of the Executive Council submitted by the latter;
 - (f) Establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Convention;
 - (g) Foster international cooperation for peaceful purposes in the field of chemical activities;
 - (h) Review scientific and technological developments that could affect the operation of this Convention and, in this context, direct the Director General to establish a Scientific Advisory Board to enable him, in the performance of his functions, to render specialized advice in areas of science and technology relevant to this Convention, to the Conference, the Executive Council or States Parties. The Scientific Advisory Board shall be composed of independent experts appointed in accordance with terms of reference adopted by the Conference;
 - (i) Consider and approve at its first session any draft agreements, provisions and guidelines developed by the Preparatory Commission;
 - (j) Establish at its first session the voluntary fund for assistance in accordance with Article X;
 - (k) Take the necessary measures to ensure compliance with this Convention and to redress and remedy any situation which contravenes the provisions of this Convention, in accordance with Article XII.
2. The Conference shall not later than one year after the expiry of the fifth and the tenth year after the entry into force of this Convention, and at such other times within that time period as may be decided upon, convene in special sessions to undertake reviews of the operation of this Convention. Such reviews shall take into account any relevant scientific and technological developments. At intervals of five years thereafter, unless otherwise decided upon, further sessions of the Conference shall be convened with the same objective.

C. THE EXECUTIVE COUNCIL

Composition, procedure and decision making

23. The Executive Council shall consist of 41 members. Each State Party shall have the right, in accordance with the principle of rotation, to serve on the Executive Council. The members of the Executive Council shall be elected by the Conference for a term of two years. In order to ensure the effective functioning of this Convention, due regard being specially paid to equitable geographical distribution, to the importance of chemical industry, as well as to political and security interests, the Executive Council shall be composed as follows:

- (a) Nine States Parties from Africa to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these nine States Parties, three members shall, as a rule, be the States Parties with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition, the regional group shall agree also to take into account other regional factors in designating these three members;
- (b) Nine States Parties from Asia to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these nine States Parties, four members shall, as a rule, be the States Parties with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition, the regional group shall agree also to take into account other regional factors in designating these four members;
- (c) Five States Parties from Eastern Europe to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these five States Parties, one member shall, as a rule, be the State Party with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition, the regional group shall agree also to take into account other regional factors in designating this one member;
- (d) Seven States Parties from Latin America and the Caribbean to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these seven States Parties, three members shall, as a rule, be the States Parties with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition, the regional group shall agree also to take into account other regional factors in designating these three members;
- (e) Ten States Parties from among Western European and other States to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these 10 States Parties, 5 members shall, as a rule, be the States Parties with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition, the regional group shall agree also to take into account other regional factors in designating these five members;

(f) One further State Party to be designated consecutively by States Parties located in the regions of Asia and Latin America and the Caribbean. As a basis for this designation it is understood that this State Party shall be a rotating member from these regions.

24. For the first election of the Executive Council 20 members shall be elected for a term of one year, due regard being paid to the established numerical proportions as described in paragraph 23.
25. After the full implementation of Articles IV and V the Conference may, upon the request of a majority of the members of the Executive Council, review the composition of the Executive Council taking into account developments related to the principles specified in paragraph 23 that are governing its composition.
26. The Executive Council shall elaborate its rules of procedure and submit them to the Conference for approval.
27. The Executive Council shall elect its Chairman from among its members.
28. The Executive Council shall meet for regular sessions. Between regular sessions it shall meet as often as may be required for the fulfilment of its powers and functions.
29. Each member of the Executive Council shall have one vote. Unless otherwise specified in this Convention, the Executive Council shall take decisions on matters of substance by a two thirds majority of all its members. The Executive Council shall take decisions on questions of procedure by a simple majority of all its members. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the Executive Council by the majority required for decisions on matters of substance.

Powers and functions

30. The Executive Council shall be the executive organ of the Organization. It shall be responsible to the Conference. The Executive Council shall carry out the powers and functions entrusted to it under this Convention, as well as those functions delegated to it by the Conference. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference and assure their proper and continuous implementation.
31. The Executive Council shall promote the effective implementation of, and compliance with, this Convention. It shall supervise the activities of the Technical Secretariat, cooperate with the National Authority of each State Party and facilitate consultations and cooperation among States Parties at their request.
32. The Executive Council shall:
 - (a) Consider and submit to the Conference the draft programme and budget of the Organization;
 - (b) Consider and submit to the Conference the draft report of the Organization on the implementation of this Convention, the report on the performance of its own activities and such special reports as it deems necessary or which the Conference may request;
 - (c) Make arrangements for the sessions of the Conference including the preparation of the draft agenda.

33. The Executive Council may request the convening of a special session of the Conference.
34. The Executive Council shall:
- (a) Conclude agreements or arrangements with States and international organizations on behalf of the Organization, subject to prior approval by the Conference;
 - (b) Conclude agreements with States Parties on behalf of the Organization in connection with Article X and supervise the voluntary fund referred to in Article X;
 - (c) Approve agreements or arrangements relating to the implementation of verification activities, negotiated by the Technical Secretariat with States Parties.
35. The Executive Council shall consider any issue or matter within its competence affecting this Convention and its implementation, including concerns regarding compliance, and cases of non compliance, and, as appropriate, inform States Parties and bring the issue or matter to the attention of the Conference.
36. In its consideration of doubts or concerns regarding compliance and cases of non compliance, including, *inter alia*, abuse of the rights provided for under this Convention, the Executive Council shall consult with the States Parties involved and, as appropriate, request the State Party to take measures to redress the situation within a specified time. To the extent that the Executive Council considers further action to be necessary, it shall take, *inter alia*, one or more of the following measures:
- (a) Inform all States Parties of the issue or matter;
 - (b) Bring the issue or matter to the attention of the Conference;
 - (c) Make recommendations to the Conference regarding measures to redress the situation and to ensure compliance.

The Executive Council shall, in cases of particular gravity and urgency, bring the issue or matter, including relevant information and conclusions, directly to the attention of the United Nations General Assembly and the United Nations Security Council. It shall at the same time inform all States Parties of this step.

D. THE TECHNICAL SECRETARIAT

37. The Technical Secretariat shall assist the Conference and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the verification measures provided for in this Convention. It shall carry out the other functions entrusted to it under this Convention as well as those functions delegated to it by the Conference and the Executive Council.
38. The Technical Secretariat shall:
- (a) Prepare and submit to the Executive Council the draft programme and budget of the Organization;
 - (b) Prepare and submit to the Executive Council the draft report of the Organization on the implementation of this Convention and such other reports as the Conference or the Executive Council may request;
 - (c) Provide administrative and technical support to the Conference, the Executive Council and subsidiary organs;

- (d) Address and receive communications on behalf of the Organization to and from States Parties on matters pertaining to the implementation of this Convention;
 - (e) Provide technical assistance and technical evaluation to States Parties in the implementation of the provisions of this Convention, including evaluation of scheduled and unscheduled chemicals.
39. The Technical Secretariat shall:
- (a) Negotiate agreements or arrangements relating to the implementation of verification activities with States Parties, subject to approval by the Executive Council;
 - (b) Not later than 180 days after entry into force of this Convention, coordinate the establishment and maintenance of permanent stockpiles of emergency and humanitarian assistance by States Parties in accordance with Article X, paragraphs 7 (b) and (c). The Technical Secretariat may inspect the items maintained for serviceability. Lists of items to be stockpiled shall be considered and approved by the Conference pursuant to paragraph 21 (i) above;
 - (c) Administer the voluntary fund referred to in Article X, compile declarations made by the States Parties and register, when requested, bilateral agreements concluded between States Parties or between a State Party and the Organization for the purposes of Article X.
40. The Technical Secretariat shall inform the Executive Council of any problem that has arisen with regard to the discharge of its functions, including doubts, ambiguities or uncertainties about compliance with this Convention that have come to its notice in the performance of its verification activities and that it has been unable to resolve or clarify through its consultations with the State Party concerned.
41. The Technical Secretariat shall comprise a Director General, who shall be its head and chief administrative officer, inspectors and such scientific, technical and other personnel as may be required.
42. The Inspectorate shall be a unit of the Technical Secretariat and shall act under the supervision of the Director General.
43. The Director General shall be appointed by the Conference upon the recommendation of the Executive Council for a term of four years, renewable for one further term, but not thereafter.
44. The Director General shall be responsible to the Conference and the Executive Council for the appointment of the staff and the organization and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Only citizens of States Parties shall serve as the Director General, as inspectors or as other members of the professional and clerical staff. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to a minimum necessary for the proper discharge of the responsibilities of the Technical Secretariat.
45. The Director General shall be responsible for the organization and functioning of the Scientific Advisory Board referred to in paragraph 21 (h). The Director General shall, in consultation with States Parties, appoint members of the Scientific Advisory Board, who shall serve in their individual capacity. The

members of the Board shall be appointed on the basis of their expertise in the particular scientific fields relevant to the implementation of this Convention. The Director General may also, as appropriate, in consultation with members of the Board, establish temporary working groups of scientific experts to provide recommendations on specific issues. In regard to the above, States Parties may submit lists of experts to the Director General.

46. In the performance of their duties, the Director General, the inspectors and the other members of the staff shall not seek or receive instructions from any Government or from any other source external to the Organization. They shall refrain from any action that might reflect on their positions as international officers responsible only to the Conference and the Executive Council.
47. Each State Party shall respect the exclusively international character of the responsibilities of the Director General, the inspectors and the other members of the staff and not seek to influence them in the discharge of their responsibilities.

E. PRIVILEGES AND IMMUNITIES

48. The Organization shall enjoy on the territory and in any other place under the jurisdiction or control of a State Party such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.
49. Delegates of States Parties, together with their alternates and advisers, representatives appointed to the Executive Council together with their alternates and advisers, the Director General and the staff of the Organization shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connection with the Organization.
50. The legal capacity, privileges, and immunities referred to in this Article shall be defined in agreements between the Organization and the States Parties as well as in an agreement between the Organization and the State in which the headquarters of the Organization is seated. These agreements shall be considered and approved by the Conference pursuant to paragraph 21 (i).
51. Notwithstanding paragraphs 48 and 49, the privileges and immunities enjoyed by the Director General and the staff of the Technical Secretariat during the conduct of verification activities shall be those set forth in Part II, Section B, of the Verification Annex.

ARTICLE IX

CONSULTATIONS, COOPERATION AND FACT FINDING

1. States Parties shall consult and cooperate, directly among themselves, or through the Organization or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the object and purpose, or the implementation of the provisions, of this Convention.
2. Without prejudice to the right of any State Party to request a challenge inspection, States Parties should, whenever possible, first make every effort to clarify and resolve, through exchange of information and consultations among themselves, any matter which may cause doubt about compliance with this Convention, or which gives rise to concerns about a related matter which may be considered ambiguous. A State Party which receives a request from another State Party for clarification of any matter which the requesting State Party believes causes such a doubt or concern shall provide the requesting State Party as soon as possible, but in any case not later than 10 days after the request, with information sufficient to answer the doubt or concern raised along with an explanation of how the information provided resolves the matter. Nothing in this Convention shall affect the right of any two or more States Parties to arrange by mutual consent for inspections or any other procedures among themselves to clarify and resolve any matter which may cause doubt about compliance or gives rise to a concern about a related matter which may be considered ambiguous. Such arrangements shall not affect the rights and obligations of any State Party under other provisions of this Convention.

Procedure for requesting clarification

3. A State Party shall have the right to request the Executive Council to assist in clarifying any situation which may be considered ambiguous or which gives rise to a concern about the possible non compliance of another State Party with this Convention. The Executive Council shall provide appropriate information in its possession relevant to such a concern.
4. A State Party shall have the right to request the Executive Council to obtain clarification from another State Party on any situation which may be considered ambiguous or which gives rise to a concern about its possible non compliance with this Convention. In such a case, the following shall apply:
 - (a) The Executive Council shall forward the request for clarification to the State Party concerned through the Director General not later than 24 hours after its receipt;
 - (b) The requested State Party shall provide the clarification to the Executive Council as soon as possible, but in any case not later than 10 days after the receipt of the request;
 - (c) The Executive Council shall take note of the clarification and forward it to the requesting State Party not later than 24 hours after its receipt;
 - (d) If the requesting State Party deems the clarification to be inadequate, it shall have the right to request the Executive Council to obtain from the requested State Party further clarification;

- (e) For the purpose of obtaining further clarification requested under subparagraph (d), the Executive Council may call on the Director General to establish a group of experts from the Technical Secretariat, or if appropriate staff are not available in the Technical Secretariat, from elsewhere, to examine all available information and data relevant to the situation causing the concern. The group of experts shall submit a factual report to the Executive Council on its findings;
 - (f) If the requesting State Party considers the clarification obtained under subparagraphs (d) and (e) to be unsatisfactory, it shall have the right to request a special session of the Executive Council in which States Parties involved that are not members of the Executive Council shall be entitled to take part. In such a special session, the Executive Council shall consider the matter and may recommend any measure it deems appropriate to resolve the situation.
5. A State Party shall also have the right to request the Executive Council to clarify any situation which has been considered ambiguous or has given rise to a concern about its possible non compliance with this Convention. The Executive Council shall respond by providing such assistance as appropriate.
 6. The Executive Council shall inform the States Parties about any request for clarification provided in this Article.
 7. If the doubt or concern of a State Party about a possible non compliance has not been resolved within 60 days after the submission of the request for clarification to the Executive Council, or it believes its doubts warrant urgent consideration, notwithstanding its right to request a challenge inspection, it may request a special session of the Conference in accordance with Article VIII, paragraph 12 (c). At such a special session, the Conference shall consider the matter and may recommend any measure it deems appropriate to resolve the situation.

Procedures for challenge inspections

8. Each State Party has the right to request an on site challenge inspection of any facility or location in the territory or in any other place under the jurisdiction or control of any other State Party for the sole purpose of clarifying and resolving any questions concerning possible non compliance with the provisions of this Convention, and to have this inspection conducted anywhere without delay by an inspection team designated by the Director General and in accordance with the Verification Annex.
9. Each State Party is under the obligation to keep the inspection request within the scope of this Convention and to provide in the inspection request all appropriate information on the basis of which a concern has arisen regarding possible non compliance with this Convention as specified in the Verification Annex. Each State Party shall refrain from unfounded inspection requests, care being taken to avoid abuse. The challenge inspection shall be carried out for the sole purpose of determining facts relating to the possible non compliance.
10. For the purpose of verifying compliance with the provisions of this Convention, each State Party shall permit the Technical Secretariat to conduct the on site challenge inspection pursuant to paragraph 8.
11. Pursuant to a request for a challenge inspection of a facility or location, and in accordance with the procedures provided for in the Verification Annex, the inspected State Party shall have:

- (a) The right and the obligation to make every reasonable effort to demonstrate its compliance with this Convention and, to this end, to enable the inspection team to fulfil its mandate;
 - (b) The obligation to provide access within the requested site for the sole purpose of establishing facts relevant to the concern regarding possible non compliance; and
 - (c) The right to take measures to protect sensitive installations, and to prevent disclosure of confidential information and data, not related to this Convention.
12. With regard to an observer, the following shall apply:
- (a) The requesting State Party may, subject to the agreement of the inspected State Party, send a representative who may be a national either of the requesting State Party or of a third State Party, to observe the conduct of the challenge inspection.
 - (b) The inspected State Party shall then grant access to the observer in accordance with the Verification Annex.
 - (c) The inspected State Party shall, as a rule, accept the proposed observer, but if the inspected State Party exercises a refusal, that fact shall be recorded in the final report.
13. The requesting State Party shall present an inspection request for an on site challenge inspection to the Executive Council and at the same time to the Director General for immediate processing.
14. The Director General shall immediately ascertain that the inspection request meets the requirements specified in Part X, paragraph 4, of the Verification Annex, and, if necessary, assist the requesting State Party in filing the inspection request accordingly. When the inspection request fulfils the requirements, preparations for the challenge inspection shall begin.
15. The Director General shall transmit the inspection request to the inspected State Party not less than 12 hours before the planned arrival of the inspection team at the point of entry.
16. After having received the inspection request, the Executive Council shall take cognizance of the Director General's actions on the request and shall keep the case under its consideration throughout the inspection procedure. However, its deliberations shall not delay the inspection process.
17. The Executive Council may, not later than 12 hours after having received the inspection request, decide by a three quarter majority of all its members against carrying out the challenge inspection, if it considers the inspection request to be frivolous, abusive or clearly beyond the scope of this Convention as described in paragraph 8. Neither the requesting nor the inspected State Party shall participate in such a decision. If the Executive Council decides against the challenge inspection, preparations shall be stopped, no further action on the inspection request shall be taken, and the States Parties concerned shall be informed accordingly.
18. The Director General shall issue an inspection mandate for the conduct of the challenge inspection. The inspection mandate shall be the inspection request referred to in paragraphs 8 and 9 put into operational terms, and shall conform with the inspection request.

19. The challenge inspection shall be conducted in accordance with Part X or, in the case of alleged use, in accordance with Part XI of the Verification Annex. The inspection team shall be guided by the principle of conducting the challenge inspection in the least intrusive manner possible, consistent with the effective and timely accomplishment of its mission.
20. The inspected State Party shall assist the inspection team throughout the challenge inspection and facilitate its task. If the inspected State Party proposes, pursuant to Part X, Section C, of the Verification Annex, arrangements to demonstrate compliance with this Convention, alternative to full and comprehensive access, it shall make every reasonable effort, through consultations with the inspection team, to reach agreement on the modalities for establishing the facts with the aim of demonstrating its compliance.
21. The final report shall contain the factual findings as well as an assessment by the inspection team of the degree and nature of access and cooperation granted for the satisfactory implementation of the challenge inspection. The Director General shall promptly transmit the final report of the inspection team to the requesting State Party, to the inspected State Party, to the Executive Council and to all other States Parties. The Director General shall further transmit promptly to the Executive Council the assessments of the requesting and of the inspected States Parties, as well as the views of other States Parties which may be conveyed to the Director General for that purpose, and then provide them to all States Parties.
22. The Executive Council shall, in accordance with its powers and functions, review the final report of the inspection team as soon as it is presented, and address any concerns as to:
 - (a) Whether any non compliance has occurred;
 - (b) Whether the request had been within the scope of this Convention; and
 - (c) Whether the right to request a challenge inspection had been abused.
23. If the Executive Council reaches the conclusion, in keeping with its powers and functions, that further action may be necessary with regard to paragraph 22, it shall take the appropriate measures to redress the situation and to ensure compliance with this Convention, including specific recommendations to the Conference. In the case of abuse, the Executive Council shall examine whether the requesting State Party should bear any of the financial implications of the challenge inspection.
24. The requesting State Party and the inspected State Party shall have the right to participate in the review process. The Executive Council shall inform the States Parties and the next session of the Conference of the outcome of the process.
25. If the Executive Council has made specific recommendations to the Conference, the Conference shall consider action in accordance with Article XII.

ARTICLE X

ASSISTANCE AND PROTECTION AGAINST CHEMICAL WEAPONS

1. For the purposes of this Article, "Assistance" means the coordination and delivery to States Parties of protection against chemical weapons, including, *inter alia*, the following: detection equipment and alarm systems; protective equipment; decontamination equipment and decontaminants; medical antidotes and treatments; and advice on any of these protective measures.
2. Nothing in this Convention shall be interpreted as impeding the right of any State Party to conduct research into, develop, produce, acquire, transfer or use means of protection against chemical weapons, for purposes not prohibited under this Convention.
3. Each State Party undertakes to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons.
4. For the purposes of increasing the transparency of national programmes related to protective purposes, each State Party shall provide annually to the Technical Secretariat information on its programme, in accordance with procedures to be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i).
5. The Technical Secretariat shall establish, not later than 180 days after entry into force of this Convention and maintain, for the use of any requesting State Party, a data bank containing freely available information concerning various means of protection against chemical weapons as well as such information as may be provided by States Parties.
The Technical Secretariat shall also, within the resources available to it, and at the request of a State Party, provide expert advice and assist the State Party in identifying how its programmes for the development and improvement of a protective capacity against chemical weapons could be implemented.
6. Nothing in this Convention shall be interpreted as impeding the right of States Parties to request and provide assistance bilaterally and to conclude individual agreements with other States Parties concerning the emergency procurement of assistance.
7. Each State Party undertakes to provide assistance through the Organization and to this end to elect to take one or more of the following measures:
 - (a) To contribute to the voluntary fund for assistance to be established by the Conference at its first session;
 - (b) To conclude, if possible not later than 180 days after this Convention enters into force for it, agreements with the Organization concerning the procurement, upon demand, of assistance;
 - (c) To declare, not later than 180 days after this Convention enters into force for it, the kind of assistance it might provide in response to an appeal by the Organization. If, however, a State Party subsequently is unable to provide the assistance envisaged in its declaration, it is still under the obligation to provide assistance in accordance with this paragraph.

8. Each State Party has the right to request and, subject to the procedures set forth in paragraphs 9, 10 and 11, to receive assistance and protection against the use or threat of use of chemical weapons if it considers that:
 - (a) Chemical weapons have been used against it;
 - (b) Riot control agents have been used against it as a method of warfare; or
 - (c) It is threatened by actions or activities of any State that are prohibited for States Parties by Article I.
9. The request, substantiated by relevant information, shall be submitted to the Director General, who shall transmit it immediately to the Executive Council and to all States Parties. The Director General shall immediately forward the request to States Parties which have volunteered, in accordance with paragraphs 7 (b) and (c), to dispatch emergency assistance in case of use of chemical weapons or use of riot control agents as a method of warfare, or humanitarian assistance in case of serious threat of use of chemical weapons or serious threat of use of riot control agents as a method of warfare to the State Party concerned not later than 12 hours after receipt of the request. The Director General shall initiate, not later than 24 hours after receipt of the request, an investigation in order to provide foundation for further action. He shall complete the investigation within 72 hours and forward a report to the Executive Council. If additional time is required for completion of the investigation, an interim report shall be submitted within the same time frame. The additional time required for investigation shall not exceed 72 hours. It may, however, be further extended by similar periods. Reports at the end of each additional period shall be submitted to the Executive Council. The investigation shall, as appropriate and in conformity with the request and the information accompanying the request, establish relevant facts related to the request as well as the type and scope of supplementary assistance and protection needed.
10. The Executive Council shall meet not later than 24 hours after receiving an investigation report to consider the situation and shall take a decision by simple majority within the following 24 hours on whether to instruct the Technical Secretariat to provide supplementary assistance. The Technical Secretariat shall immediately transmit to all States Parties and relevant international organizations the investigation report and the decision taken by the Executive Council. When so decided by the Executive Council, the Director General shall provide assistance immediately. For this purpose, the Director General may cooperate with the requesting State Party, other States Parties and relevant international organizations. The States Parties shall make the fullest possible efforts to provide assistance.
11. If the information available from the ongoing investigation or other reliable sources would give sufficient proof that there are victims of use of chemical weapons and immediate action is indispensable, the Director General shall notify all States Parties and shall take emergency measures of assistance, using the resources the Conference has placed at his disposal for such contingencies. The Director General shall keep the Executive Council informed of actions undertaken pursuant to this paragraph.

ARTICLE XI

ECONOMIC AND TECHNOLOGICAL DEVELOPMENT

1. The provisions of this Convention shall be implemented in a manner which avoids hampering the economic or technological development of States Parties, and international cooperation in the field of chemical activities for purposes not prohibited under this Convention including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for purposes not prohibited under this Convention.
2. Subject to the provisions of this Convention and without prejudice to the principles and applicable rules of international law, the States Parties shall:
 - (a) Have the right, individually or collectively, to conduct research with, to develop, produce, acquire, retain, transfer, and use chemicals;
 - (b) Undertake to facilitate, and have the right to participate in, the fullest possible exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under this Convention;
 - (c) Not maintain among themselves any restrictions, including those in any international agreements, incompatible with the obligations undertaken under this Convention, which would restrict or impede trade and the development and promotion of scientific and technological knowledge in the field of chemistry for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;
 - (d) Not use this Convention as grounds for applying any measures other than those provided for, or permitted, under this Convention nor use any other international agreement for pursuing an objective inconsistent with this Convention;
 - (e) Undertake to review their existing national regulations in the field of trade in chemicals in order to render them consistent with the object and purpose of this Convention.

ARTICLE XII

MEASURES TO REDRESS A SITUATION AND TO ENSURE COMPLIANCE, INCLUDING SANCTIONS

1. The Conference shall take the necessary measures, as set forth in paragraphs 2, 3 and 4, to ensure compliance with this Convention and to redress and remedy any situation which contravenes the provisions of this Convention. In considering action pursuant to this paragraph, the Conference shall take into account all information and recommendations on the issues submitted by the Executive Council.
2. In cases where a State Party has been requested by the Executive Council to take measures to redress a situation raising problems with regard to its compliance, and where the State Party fails to fulfil the request within the specified time, the Conference may, inter alia, upon the recommendation of the Executive Council, restrict or suspend the State Party's rights and privileges under this Convention until it undertakes the necessary action to conform with its obligations under this Convention.
3. In cases where serious damage to the object and purpose of this Convention may result from activities prohibited under this Convention, in particular by Article I, the Conference may recommend collective measures to States Parties in conformity with international law.
4. The Conference shall, in cases of particular gravity, bring the issue, including relevant information and conclusions, to the attention of the United Nations General Assembly and the United Nations Security Council.

ARTICLE XIII

RELATION TO OTHER INTERNATIONAL AGREEMENTS

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at London, Moscow and Washington on 10 April 1972.

ARTICLE XIV

SETTLEMENT OF DISPUTES

1. Disputes that may arise concerning the application or the interpretation of this Convention shall be settled in accordance with the relevant provisions of this Convention and in conformity with the provisions of the Charter of the United Nations.
2. When a dispute arises between two or more States Parties, or between one or more States Parties and the Organization, relating to the interpretation or application of this Convention, the parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of the parties' choice, including recourse to appropriate organs of this Convention and, by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court. The States Parties involved shall keep the Executive Council informed of actions being taken.
3. The Executive Council may contribute to the settlement of a dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties to a dispute to start the settlement process of their choice and recommending a time limit for any agreed procedure.
4. The Conference shall consider questions related to disputes raised by States Parties or brought to its attention by the Executive Council. The Conference shall, as it finds necessary, establish or entrust organs with tasks related to the settlement of these disputes in conformity with Article VIII, paragraph 21 (f).
5. The Conference and the Executive Council are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the activities of the Organization. An agreement between the Organization and the United Nations shall be concluded for this purpose in accordance with Article VIII, paragraph 34 (a).
6. This Article is without prejudice to Article IX or to the provisions on measures to redress a situation and to ensure compliance, including sanctions.

ARTICLE XV

AMENDMENTS

1. Any State Party may propose amendments to this Convention. Any State Party may also propose changes, as specified in paragraph 4, to the Annexes of this Convention. Proposals for amendments shall be subject to the procedures in paragraphs 2 and 3. Proposals for changes, as specified in paragraph 4, shall be subject to the procedures in paragraph 5.
2. The text of a proposed amendment shall be submitted to the Director General for circulation to all States Parties and to the Depositary. The proposed amendment shall be considered only by an Amendment Conference. Such an Amendment Conference shall be convened if one third or more of the States Parties notify the Director General not later than 30 days after its circulation that they support further consideration of the proposal. The Amendment Conference shall be held immediately following a regular session of the Conference unless the requesting States Parties ask for an earlier meeting. In no case shall an Amendment Conference be held less than 60 days after the circulation of the proposed amendment.
3. Amendments shall enter into force for all States Parties 30 days after deposit of the instruments of ratification or acceptance by all the States Parties referred to under subparagraph (b) below:
 - (a) When adopted by the Amendment Conference by a positive vote of a majority of all States Parties with no State Party casting a negative vote; and
 - (b) Ratified or accepted by all those States Parties casting a positive vote at the Amendment Conference.
4. In order to ensure the viability and the effectiveness of this Convention, provisions in the Annexes shall be subject to changes in accordance with paragraph 5, if proposed changes are related only to matters of an administrative or technical nature. All changes to the Annex on Chemicals shall be made in accordance with paragraph 5. Sections A and C of the Confidentiality Annex, Part X of the Verification Annex, and those definitions in Part I of the Verification Annex which relate exclusively to challenge inspections, shall not be subject to changes in accordance with paragraph 5.
5. Proposed changes referred to in paragraph 4 shall be made in accordance with the following procedures:
 - (a) The text of the proposed changes shall be transmitted together with the necessary information to the Director General. Additional information for the evaluation of the proposal may be provided by any State Party and the Director General. The Director General shall promptly communicate any such proposals and information to all States Parties, the Executive Council and the Depositary;
 - (b) Not later than 60 days after its receipt, the Director General shall evaluate the proposal to determine all its possible consequences for the provisions of this Convention and its implementation and shall communicate any such information to all States Parties and the Executive Council;

- (c) The Executive Council shall examine the proposal in the light of all information available to it, including whether the proposal fulfils the requirements of paragraph 4. Not later than 90 days after its receipt, the Executive Council shall notify its recommendation, with appropriate explanations, to all States Parties for consideration. States Parties shall acknowledge receipt within 10 days;
- (d) If the Executive Council recommends to all States Parties that the proposal be adopted, it shall be considered approved if no State Party objects to it within 90 days after receipt of the recommendation. If the Executive Council recommends that the proposal be rejected, it shall be considered rejected if no State Party objects to the rejection within 90 days after receipt of the recommendation;
- (e) If a recommendation of the Executive Council does not meet with the acceptance required under subparagraph (d), a decision on the proposal, including whether it fulfils the requirements of paragraph 4, shall be taken as a matter of substance by the Conference at its next session;
- (f) The Director General shall notify all States Parties and the Depositary of any decision under this paragraph;
- (g) Changes approved under this procedure shall enter into force for all States Parties 180 days after the date of notification by the Director General of their approval unless another time period is recommended by the Executive Council or decided by the Conference.

ARTICLE XVI

DURATION AND WITHDRAWAL

1. This Convention shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention if it decides that extraordinary events, related to the subject matter of this Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal 90 days in advance to all other States Parties, the Executive Council, the Depositary and the United Nations Security Council. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.
3. The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law, particularly the Geneva Protocol of 1925.

ARTICLE XVII

STATUS OF THE ANNEXES

The Annexes form an integral part of this Convention. Any reference to this Convention includes the Annexes.

ARTICLE XVIII

SIGNATURE

This Convention shall be open for signature for all States before its entry into force.

ARTICLE XIX

RATIFICATION

This Convention shall be subject to ratification by States Signatories according to their respective constitutional processes.

ARTICLE XX

ACCESSION

Any State which does not sign this Convention before its entry into force may accede to it at any time thereafter.

ARTICLE XXI

ENTRY INTO FORCE

1. This Convention shall enter into force 180 days after the date of the deposit of the 65th instrument of ratification, but in no case earlier than two years after its opening for signature.
2. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the 30th day following the date of deposit of their instrument of ratification or accession.

ARTICLE XXII

RESERVATIONS

The Articles of this Convention shall not be subject to reservations. The Annexes of this Convention shall not be subject to reservations incompatible with its object and purpose.

ARTICLE XXIII

DEPOSITARY

The Secretary General of the United Nations is hereby designated as the Depositary of this Convention and shall, *inter alia*:

- (a) Promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention, and of the receipt of other notices;
- (b) Transmit duly certified copies of this Convention to the Governments of all signatory and acceding States; and
- (c) Register this Convention pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XXIV

AUTHENTIC TEXTS

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Paris on the thirteenth day of January, one thousand nine hundred and ninety three.

SCHEDULE 2

(section 15)

SCHEDULE 1 CHEMICALS AND PRECURSORS

A. TOXIC CHEMICALS (CAS Registry number)

- (1) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates e.g. Sarin: O-Isopropyl methylphosphonofluoridate (107-44-8) Soman: O-Pinacolyl methylphosphono- fluoride (96-64-0)
- (2) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates e.g. Tabun: O-Ethyl N,N-dimethyl phosphoramidocyanidate (77-81-6)
- (3) O-Alkyl (H or ($\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts e.g. VXO-Ethyl S-2-diisopropylaminoethyl (50782-69-9) methyl phosphonothiolate
- (4) Sulfur mustards: 2-Chloroethylchloromethylsulfide (2625-76-5)
Mustard gas: Bis (2-chloroethyl) sulfide (505-60-2) Bis (2-chloroethylthio) methane (63869-13-6)
Sesqui mustard: 1,2-Bis (2-chloroethylthio) ethane (3563-36-8)
1,3-Bis (2-chloroethylthio)-n-propane (63905-10-2)
1,4-Bis (2-chloroethylthio)-n-butane (142868-93-7)
1,5-Bis (2-chloroethylthio)-n-pentane (142868-94-8)
Bis (2-chloroethylthiomethyl) ether (63918-90-1)
O-Mustard: Bis (2-chloroethylthioethyl) ether (63918-89-8)
Lewisites:
- (5) Lewisite 1: 2-Chlorovinyl dichloroarsine (541-25-3) Lewisite 2: Bis (2-chlorovinyl) chloroarsine (40334-69-8)
Lewisite 3: Tris (2-chlorovinyl) arsine (40334-70-1)
Nitrogen mustards:
- (6) HN1: Bis (2-chloroethyl) ethylamine (538-07-8) HN2: Bis (2-chloroethyl) methylamine (51-75-2)
HN3: Tris (2-chloroethyl) amine (555-77-1)
- (7) Saxitoxin (35523-89-8)
- (8) Ricin (9009-86-3)

B. PRECURSORS (CAS Registry number)

- (9) Alkyl (Me, Et, n-Pr or i-Pr)
Phosphyldifluorides e.g. DF: Methylphosphyldifluoride (676-99-3)
O-Alkyl (H or ($\leq C_{10}$, incl. cycloalkyl) O-2-dalkyl
- (10) (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and
Corresponding alkylated or protonated salts e.g. QL: O-Ethyl O-2-
diisopropylaminoethyl (57856-11-8) methylphosphonite
- (11) Chlorosarin: O-Isopropyl (1445-76-7) methylphosphonochloridate
- (12) Chlorosoman: O-Pinacolyl (7040-57-5) methylphosphonochloridate

(section 16)

SCHEDULE 2 CHEMICALS AND PRECURSORS

A. TOXIC CHEMICALS (CAS Registry number)

- (1) Amiton: O,O-Diethyl S-[2-(diethylamino) ethyl]
phosphorothiolate and corresponding alkylated or protonated salts (78-53-5)
- (2) b PFIB: 1,1,3,3,3-Pentafluoro-2- (trifluoromethyl)-1-propene (382-21-8)
- (3) BZ: 3-Quinuclidinyl benzilate (*) (6581-06-2)

B. PRECURSORS (CAS Registry number)

- (4) Chemicals, except for those listed in Schedule 1, containing a phosphorus atom
to which is bonded one methyl, ethyl or propyl (normal or iso) group but not
further carbon atoms, e.g. Methylphosphonyl dichloride (676-97-1) Dimethyl
methylphosphonate (756-79-6)
Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate (944-22-9)
- (5) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides
- (6) Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates
- (7) Arsenic trichloride (7784-34-1)
- (8) 2,2-Diphenyl-2-hydroxyacetic acid (76-93-7)
- (9) Quinuclidin-3-ol (1619-34-7)
- (10) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding
protonated salts
- (11) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding
protonated salts
Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts
(108-01-0) N,N-Diethylaminoethanol and corresponding protonated salts (100-
37-8)
- (12) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding
protonated salts
- (13) Thiodiglycol: Bis(2-hydroxyethyl)sulfide (111-48-8)
- (14) Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol (464-07-3)

(section 17)

SCHEDULE 3 CHEMICALS AND PRECURSORS

A. TOXIC CHEMICALS (CAS Registry number)

- (1) Phosgene: Carbonyl dichloride (75-44-5)
- (2) Cyanogen chloride (506-77-4)
- (3) Hydrogen cyanide (74-90-8)
- (4) Chloropicrin: Trichloronitromethane (76-06-2)

B. PRECURSORS (CAS Registry number)

- (5) Phosphorus oxychloride (10025-87-3)
- (6) Phosphorus trichloride (7719-12-2)
- (7) Phosphorus pentachloride (10026-13-8)
- (8) Trimethyl phosphite (121-45-9)
- (9) Triethyl phosphite (122-52-1)
- (10) Dimethyl phosphite (868-85-9)
- (11) Diethyl phosphite (762-04-9)
- (12) Sulfur monochloride (10025-67-9)
- (13) Sulfur dichloride (10545-99-0)
- (14) Thionyl chloride (7719-09-7)
- (15) Ethyldiethanolamine (139-87-7)
- (16) Methyldiethanolamine (105-59-9)
- (17) Triethanolamine (102-71-6)

Bill No. 18 of 2018

NUCLEAR WEAPONS (PROHIBITION) BILL, 2018

(*Published on 1st June, 2018*)

MEMORANDUM

1. A draft of the above Bill, which it is intended to present to the National Assembly, is set out below.

2. The object of the Bill is to provide for the domestication of the Non-Proliferation of Nuclear Weapons Treaty of 1 July 1968 (in this Bill referred to as "the Treaty") to ensure that Botswana conforms to and implements her obligations under the Treaty. The Treaty was ratified by Botswana on 28th April 1969.

3. The Bill provides at clause 4 that the State is bound by the provisions of the Act.

4. Offences relating to nuclear weapons, nuclear explosive devices are at clause 5. The development, production and use of nuclear energy, nuclear medicine and nuclear technology for peaceful use in accordance with international standards and Article IV of the Treaty are to be performed under the Radiation Protection Act (Cap. 24:03).

5. Clause 6 provides that official capacity or superior orders shall not be a defence to an offence under the Bill. Clause 7 empowers the Minister to prescribe regulations.

6. The Schedule to the Bill contains the text of the Treaty and the salient elements of the Treaty are as follows —

A. Botswana, in accordance with her obligations under Articles II and III of the Treaty, undertakes —

- (a) not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly;
- (b) not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices;
- (c) not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices; and
- (d) to accept safeguards for the exclusive purpose of verification of the fulfilment of its obligations assumed under the Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices.

B. Article IV of the Treaty provides for the development, research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of the Treaty. Botswana may facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.

C. Article V of the Treaty provides for the appropriate measures to be undertaken to ensure that, in accordance with the Treaty and under the appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States such as Botswana which are Party to the Treaty on a non-

discriminatory basis. Further, the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development.

D. Negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and nuclear disarmament are under Article VI of the Treaty. Article VII allows Botswana to conclude regional treaties in order to assure the total absence of nuclear weapons in the respective territories in the region.

NONOFO MOLEFHI,
*Acting Minister for Defence, Justice and
Security.*

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
 2. Interpretation
 3. Application of Treaty
 4. Act binds the State
 5. Nuclear weapons and nuclear material
 6. Official capacity or superior orders not a defence
 7. Extra-territorial jurisdiction
 8. Regulations
- SCHEDULE

A Bill

— entitled —

An Act to provide for the domestication of the Non-Proliferation of Nuclear Weapons Treaty of 1 July 1968, to prohibit the production, possession and use of nuclear weapons and nuclear materials and to provide for matters incidental or connected therewith.

Date of Assent:

Date of Commencement:

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Nuclear Weapons (Prohibition) Act, 2018.

2. In this Act unless the context otherwise requires —

“nuclear energy” means any form of energy released in the course of nuclear fission or nuclear fusion or of any other nuclear transmutation;

“nuclear material” means —

(a) any source or fissionable material such as plutonium 239;

(b) uranium-233;

(c) uranium enriched in isotopes of 235 or 233; or

(d) any material containing one or more of the foregoing; and such fissionable material as the Minister shall from time to time determine, but does not include source material such as ores or ore residue;

“nuclear explosive device” means any nuclear weapons or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used, whether assembled, partly assembled, or unassembled;

“proliferation financing” means the act of providing funds or financial services which are used, in whole or in part, for the manufacture, acquisition, possession, development, export, transshipment, brokering, transport, transfer, stockpiling or use of any nuclear weapon and its means of delivery and related materials, including both technologies and goods used for non-legitimate purposes; and

Short title

Interpretation

"Treaty" means the Non-Proliferation of Nuclear Weapons Treaty of 1st July, 1968 as set out in the Schedule to this Act and includes any amendments thereto and any Resolutions of the Conference of Parties.

Application of Treaty

3. The Non-Proliferation of Nuclear Weapons Treaty of 1st July, 1968 as set out in the Schedule to this Act and any amendments thereto, shall have force of law in Botswana.

Act binds the State

4. This Act binds the State.

Nuclear weapons and nuclear materials
Cap. 24:03

5. (1) Subject to the exceptions for peaceful use of nuclear materials including nuclear energy, nuclear medicine and nuclear technology under the Radiation Protection Act, a person who —

- (a) receives the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly;
- (b) manufactures or otherwise acquires nuclear weapons or other nuclear explosive devices;
- (c) seeks or receives any assistance in the manufacture of nuclear weapons or other nuclear explosive devices;
- (d) engages in the proliferation financing of any nuclear weapon;
- (e) diverts nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices;
- (f) constructs, acquires or retains any facility intended for the production of nuclear weapons or other nuclear explosive devices; or
- (g) possesses, develops, exports, transports, transfers, stockpiles or uses any nuclear weapon or nuclear explosive device or its means of delivery,

commits an offence and is liable to a fine of P25 000 000 or to life imprisonment, or to both.

(2) A person who uses nuclear material for the purpose of causing serious bodily injury or killing human beings, animals or plants or causing damage to property or natural resources commits an offence and is liable to a fine of P25 000 000 or to life imprisonment, or to both, where the act does not result in death, and where the act results in death is liable to the death penalty.

Official capacity or superior orders not a defence

6. It shall not be a defence to an offence under this Act for a person charged with the offence to plead that he or she acted in an official capacity or under the orders or instructions of his or her superior.

Extra-territorial jurisdiction

7. (1) A citizen of Botswana, or a person who permanently resides in Botswana, who commits an act outside Botswana that constitutes an offence under this Act if committed in Botswana, commits an offence and shall be liable to a penalty as prescribed under this Act.

(2) Any act prohibited under section 5 undertaken outside Botswana by a citizen of Botswana shall be deemed to have been undertaken at any place within Botswana.

(3) A person may not be convicted of an offence under subsection (1) if such a person has been acquitted or convicted in the country where that offence was committed.

8. (1) The Minister may make regulations prescribing anything under this Act which is to be prescribed or which is necessary or convenient to be prescribed for the better carrying out of the objects and purposes of this Act, or to give force and effect to its provisions.

Regulations

(2) Without prejudice to the generality of subsection (1), the Regulations may provide for the protection of the environment and the health and safety of persons from any risks associated with the activities referred to in this Act.

SCHEDULE
(sections 2 and 3)

TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",
Considering the devastation that would be visited upon all mankind by a nuclear war
and the consequent need to make every effort to avert the danger of such a war and to
take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the
danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for
the conclusion of an agreement on the prevention of wider dissemination of nuclear
weapons,

Undertaking to co-operate in facilitating the application of International Atomic
Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further
the application, within the framework of the International Atomic Energy Agency
safeguards system, of the principle of safeguarding effectively the flow of source and
special fissionable materials by use of instruments and other techniques at certain
strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology,
including any technological by-products which may be derived by nuclear-weapon
States from the development of nuclear explosive devices, should be available for
peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-
weapon States,

Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to
participate in the fullest possible exchange of scientific information for, and to
contribute alone or in co-operation with other States to, the further development of
the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the
nuclear arms race and to undertake effective measures in the direction of nuclear
disarmament,

Urging the co-operation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning
nuclear weapon tests in the atmosphere, in outer space and under water in its Preamble
to seek to achieve the discontinuance of all test explosions of nuclear weapons for all
time and to continue negotiations to this end,

Desiring to further the easing of international tension and the strengthening of trust
between States in order to facilitate the cessation of the manufacture of nuclear
weapons, the liquidation of all their existing stockpiles, and the elimination from
national arsenals of nuclear weapons and the means of their delivery pursuant to a
Treaty on general and complete disarmament under strict and effective international
control,

Recalling that, in accordance with the Charter of the United Nations, States must
refrain in their international relations from the threat or use of force against the
territorial integrity or political independence of any State, or in any other manner

inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources,

Have agreed as follows:

ARTICLE I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

ARTICLE II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

ARTICLE III

1. Each Non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide:

- (a) source or special fissionable material, or
- (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.

3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of

peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble of the Treaty.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

ARTICLE IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

ARTICLE V

Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

ARTICLE VI

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

ARTICLE VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

ARTICLE VIII

1. Any Party to the Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realised. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

ARTICLE IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1st January, 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.
6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.
2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

ARTICLE XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorised, have signed this Treaty. DONE in triplicate, at the cities of London, Moscow and Washington, the first day of July, one thousand nine hundred and sixtyeight.

Bill No. 19 of 2018

BIOLOGICAL AND TOXIN WEAPONS (PROHIBITION) BILL, 2018

(Published on 1st June, 2018)

MEMORANDUM

1. A draft of the above Bill, which is intended to be presented to the National Assembly, is set out below.

2. The object of the Bill is to provide for the domestication of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, signed by States Parties, including Botswana, on 10 April, 1972 (in this Bill referred to as "the Convention"), to ensure that Botswana conforms to and implements her obligations under the Convention.

3. The Bill also provides for the implementation of certain biological weapons-related provisions of UN Security Council Resolution 1540 by prohibiting any misuse of biological agents and toxins and facilitating Botswana's compliance with its international obligations to prevent proliferation of biological and toxin weapons.

4. The Bill provides at clause 4 that the State is bound by the provisions of the Act.

5. Clause 5 provides for offences relating to the prohibition of the use of biological or toxin weapons and clause 6 provides for the use of controlled agents and toxins.

6. Clause 7 provides that official capacity or superior orders shall not be a defence to an offence under the Bill, clause 8 deals with extra-territorial jurisdiction over Botswana citizens who commit offences under this Bill outside Botswana, whereas clause 9 deals with the regulation-making powers of the Minister.

7. The Schedule to the Bill contains the text of the Convention.

NONOFO MOLEFHI,

*Acting Minister of Defence, Justice and
Security.*

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
 2. Interpretation
 3. Application of Convention
 4. Act binds the State
 5. Prohibition of the use of biological or toxin weapons
 6. Controlled agents and toxins
 7. Official capacity or superior orders not a defence
 8. Extra-territorial jurisdiction
 9. Regulations
- SCHEDULE

A BILL

— entitled —

An Act to provide for the domestication of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction of 10 April, 1972 in order to ensure that Botswana conforms to and implements her obligations under the Convention relating to the regulation of the use of biological or toxin weapons, and for matters incidental thereto.

Date of Assent:

Date of Commencement:

ENACTED by the Parliament of Botswana.

Short title

1. This Act may be cited as Biological and Toxin Weapons (Prohibition) Act, 2018.

Interpretation

2. In this Act, unless the context otherwise requires —
 “Authority” means the Chemical, Biological, Nuclear and Radiological Weapons Management Authority established under section 5 of the Chemical Weapons (Prohibition) Act;

Cap. 24:04

“biological or toxin weapon” means —

(a) microbial or other biological agents or toxins, whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; or

(b) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict;

“Board” means the Board established under section 7 of the Chemical Weapons (Prohibition) Act;

“controlled agents and toxins” means such controlled agents and toxins which appear on the list established and maintained under section 6;

"Convention" means the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction signed on 10 April, 1972, as set out in the Schedule to this Act, and includes any amendments thereto; and

"proliferation financing" means the act of providing funds or financial services which are used, in whole or in part, for the manufacture, acquisition, possession, development, export, transshipment, brokering, transport, transfer, stockpiling or use of any biological or toxin weapon and its means of delivery and related materials, including both technologies and goods used for non-legitimate purposes.

3. The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, as set out in the Schedule to this Act and any amendments thereto, shall have force of law in Botswana.

4. This Act binds the State.

5. (1) A person who —

- (a) develops, produces, manufactures, otherwise acquires, stockpiles, stores, possesses, transports, imports, exports, transships, acts as a broker for, or retains any biological or toxin weapon, or transfers, directly or indirectly, to anyone, any biological or toxin weapon;
- (b) uses any biological or toxin weapon;
- (c) engages in preparations to use any biological or toxin weapon;
- (d) engages in the proliferation financing of any biological or toxin weapon;
- (e) constructs, acquires or retains any facility intended for the production of biological or toxin weapons;
- (f) diverts any biological agent or toxin from peaceful uses to biological or toxin weapons;
- (g) tampers with any facility, package or container containing any biological or toxin weapon in order to cause their release; or
- (h) diverts or steals any biological or toxin weapon in order to cause their release.

commits an offence and is liable to a fine of P10 000 000 or to life imprisonment, or to both.

(2) A person who intentionally releases biological agents or toxins for the purpose of causing death, serious bodily injury, substantial material damage or harm to human beings, animals or plants or causing damage to property or natural resources commits an offence and is liable to a fine of P15 000 000 or to life imprisonment, or to both, where the act does not result in death, and where the act results in death is liable to the death penalty.

6. (1) The Board shall establish and maintain a list of controlled agents and toxins that pose a severe threat to public health and safety and national security.

Application of
Convention

Act binds the
State

Prohibition of
the use of
biological or
toxin weapons

Controlled
agents and
toxins

(2) The following criteria shall be taken into account in establishing and maintaining the list under subsection (1) —

- (a) the effect of exposure on human, animal, or plant health, or on animal or plant products;
- (b) the degree of contagiousness and method of transmission;
- (c) the availability and effectiveness of pharmacotherapies and immunisations; and
- (d) any other criteria deemed appropriate, if any.

(3) A person shall not —

- (a) develop, produce, acquire, manufacture, possess, store, stockpile, transport, import, export, tranship, transfer, act as a broker for, retain or use controlled agents and toxins without a licence, as may be prescribed;
 - (b) tamper with any facility, package or container containing controlled agents and toxins in order to cause their release; or
 - (c) divert or steal controlled agents and toxins in order to cause their release.
- (4) Regulations made under subsection (3)(a) may provide for —
- (a) the issue of the licence, including such fees which may be payable;
 - (b) the form of the licence;
 - (c) the renewal of the licence; and
 - (d) the conditions and duration of the licence.

(5) A person who contravenes the provisions of —

- (a) subsection (3)(a) commits an offence and is liable to a fine of P1 000 000 or to a term of imprisonment of 20 years, or to both; and
- (b) subsection (3)(b) or subsection (3)(c) commits an offence and is liable to a fine of P10 000 000 or to life imprisonment, or to both, where the act does not result in death, and where the act results in death is liable to the death penalty.

7. It shall not be a defence to an offence under this Act for a person charged with the offence to plead that he or she acted in an official capacity or under the orders or instructions of his or her superior.

8. (1) A citizen of Botswana, or a person who permanently resides in Botswana, who commits an act outside Botswana that constitutes an offence under this Act if committed in Botswana, commits an offence and shall be liable to a penalty as prescribed under this Act.

(2) Any act prohibited under this Act undertaken outside Botswana by a citizen of Botswana shall be deemed to have been undertaken at any place within Botswana.

(3) A person may not be convicted of an offence under subsection (1) if such a person has been acquitted or convicted in the country where that offence was committed.

9. (1) The Minister may make regulations prescribing anything under this Act which is to be prescribed or which is necessary or convenient to be prescribed for the better carrying out of the objects and purposes of this Act, or to give force and effect to its provision.

Official capacity
or superior
orders not a
defence

Extra-territorial
jurisdiction

Regulations

(2) Without prejudice to the generality of subsection (1), the Regulations may provide for —

- (a) the protection of the environment and the health and safety of persons from any risks associated with the activities referred to in this Act;
- (b) measures to ensure the maintenance of national security and compliance with Botswana's international obligations regarding the use of biological and toxin weapons; and
- (c) measures to implement Botswana's international obligations regarding the use of biological and toxin weapons.

SCHEDULE
(sections 2 and 3)

Convention on the Prohibition of the Development, Production and
Stockpiling of Bacteriological (Biological) and Toxin
Weapons and on their Destruction

The States Parties to this Convention,

Determined to act with a view to achieving effective progress towards general and complete disarmament including the prohibition and elimination of all types of weapons of mass destruction, and convinced that the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and their elimination, through effective measures, will facilitate the achievement of general and complete disarmament under strict and effective international control, Recognising the important significance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17th June, 1925, and conscious also of the contribution which the said Protocol had already made, and continues to make, to mitigating the horrors of war,

Reaffirming their adherence to the principles and objectives of that Protocol and calling upon all States to comply strictly with them,

Recalling that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the principles and objectives of the Geneva Protocol of 17 June 1925, Desiring to contribute to the strengthening of confidence between peoples and the general improvement of the international atmosphere,

Desiring also to contribute to the realization of the purposes and principles of the Charter of the United Nations,

Convinced of the importance and urgency of eliminating from the arsenals of States, through effective measures, such dangerous weapons of mass destruction as those using chemical or bacteriological (biological) agents,

Recognising that an agreement on the prohibition of bacteriological (biological) and toxin weapons represents a first possible step towards the achievement of agreement on effective measures also for the prohibition of the development, production and stockpiling of chemical weapons, and determined to continue negotiations to that end, Determined, for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons,

Convinced that such use would be repugnant to the conscience of mankind and that no effort should be spared to minimise this risk,

Have agreed as follows:

Article I

Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:

- (1) microbiological or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;

- (2) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

Article II

Each State Party to this Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after the entry into force of the Convention all agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, which are in its possession or under its jurisdiction or control. In implementing the provisions of this Article all necessary safety precautions shall be observed to protect populations and the environment.

Article III

Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or induce any State, group of States or international organisations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in Article I of the Convention.

Article IV

Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere.

Article V

The States Parties to this Convention undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. Consultation and co-operation pursuant to this Article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

Article VI

- (1) Any State Party to this Convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council.
- (2) Each State Party to the Convention undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Convention of the results of the investigation.

Article VII

Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention,

Article VIII

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17th June, 1925.

Article IX

Each State Party to this Convention affirms the recognised objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production and stockpiling and for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical agents for weapons purposes.

Article X

- (1) The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. Parties to the Convention in a position to do so shall also co-operate in contributing individually or together with other States or international organisations to the further development and application of scientific discoveries in the field of bacteriology (biology) for the prevention of disease, or for other peaceful purposes.
- (2) This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international co-operation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) agents and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.

Article XI

Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party on the date of acceptance by it.

Article XII

Five years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the

Depositary Governments, a conference of States Parties to the Convention shall be held at Geneva, Switzerland, to review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on chemical weapons, are being realised. Such review shall take into account any new scientific and technological developments relevant to the Convention.

Article XIII

- (1) This Convention shall be of unlimited duration.
- (2) Each State Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of the Convention, have jeopardised the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardised its supreme interests.

Article XIV

- (1) This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.
- (2) This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.
- (3) This Convention shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositaries of the Convention.
- (4) For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
- (5) The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices.
- (6) This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XV

This Convention, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of the Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorised thereto, have signed this Convention.

DONE in triplicate at the cities of London, Moscow and Washington, this tenth day of April, one thousand nine hundred and seventy-two.

Bill No. 20 of 2018

**ILLICIT TRAFFIC IN NARCOTIC DRUGS AND
PSYCHOTROPIC SUBSTANCES BILL, 2018**

(Published on 1st June, 2018)

MEMORANDUM

A draft of the above Bill, which it is intended to present to the National Assembly, is set out below.

2. The object of the Bill is to provide for the domestication of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, which was signed on 20 December, 1988. This is to ensure that Botswana conforms to and implements her obligations under the convention.

3. Drug trafficking is an international crime and Botswana is increasingly becoming a transit route for consumers of drugs. However at present, there is absence for a strong legislation to deal with the increasing case of drug trafficking and abuse. The Medicines and related Substances Act, Cap. (63:04) does not adequately address cases of illicit drugs in detail, the issue of illicit drugs is only addressed in sections 51, 52, 53, 54 and 55 of the Act.

4. The Bill aims to adopt measures to criminalise drug related offences under domestic law in conformity with Article 3 of the Convention and to include the offence of Illicit trafficking in narcotic and psychotropic substances.

5. Part I of the Bill provides for preliminary matters relating to the commencement of the Bill, interpretation of the words and phrases used in the Bill.

6. Part II of the Bill provides for acts that are prohibited by the Bill including the possession of and trafficking in illicit, narcotic drugs and psychotropic substances as well as the cultivation of certain plants for psychotropic substances, it also provides for the penalties imposed for such offences. Part III provides for the reporting of information and Investigations that can be conducted by police officials

7. Part IV provides for the establishment of the Rehabilitation center for people addicted to drugs and psychotropic substances.

8. Part V deals with Drug Enforcement Agency, the establishment and functions thereof.

NONOFO MOLEFHI,
*Acting Minister of Defence Justice and
Security.*

ARRANGEMENT OF SECTIONS

SECTION

PART I — *Preliminary*

1. Short title
2. Interpretation
3. Extra-territorial jurisdiction

PART II — *Offences*

4. Use and possession of illicit substances
5. Trafficking in narcotic drugs or psychotropic substances
6. Cultivation of plants for narcotic or psychotropic purpose
7. Conspiracy to commit offences
8. Inducing another to take narcotic drugs or psychotropic substances
9. Unlawful possession of instruments or utensils for administering narcotic drugs or psychotropic substances
10. Permitting premises to be used for unlawful use of narcotic drugs or psychotropic substances
11. Unlawful supply of illicit substances, narcotic drugs or psychotropic substances
12. Provisions relating to certain prescriptions
13. Vicarious liability relating to controlled substances
14. Removal of practitioners' name from the register
15. Double doctoring
16. Special jurisdiction

PART III — *Reporting Information and Investigations*

17. Obligation to report certain information to a law enforcement officer
18. Powers of a law enforcement officer
19. Disclosure of information
20. Power to search for illicit substances
21. Operating and permitting premises to be used as clandestine laboratory
22. Internal concealment
23. Power to intercept communication
24. Controlled delivery
25. Obstruction of inspection or search

PART IV — *Rehabilitation Centres*

26. Rehabilitation Centres

PART V — *Drug Enforcement Agency*

27. Drug Enforcement Agency
28. Functions of the Drug Enforcement Agency

PART VI — *Final provisions*29. Regulations
SCHEDULE**A BILL**
—entitled—

An Act to domesticate the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances and to provide for matters connected therewith and incidental thereto.

Date of Assent:

Date of Commencement:

ENACTED by the Parliament of Botswana

PART I — *Preliminary*

1. This Act shall be cited as the Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 2018.

Short title

2. In this Act, unless the context otherwise provides —

“Agency” means a Drug Enforcement Agency established under section 28 of the Act;

Interpretation

“Authority” means the Medicines Regulatory Authority as established under section 3 of the Medicines and Related Substances Act;

Cap. 63:04

“clandestine laboratory” means a secret place where manufacturing of illicit substances takes place;

“controlled delivery” has the same meaning as assigned to it under the Convention;

“controlled substance” has the same meaning as assigned to it under the Medicines and Related Substances Act;

“convention” means the convention of the United Nations against illicit traffic in narcotic drugs and psychotropic substances, signed on, 20 December, 1988, as set out in the Schedule to this Act, and includes any amendments thereto;

“deal in”, in relation to any illicit substance or any plant from which such a substance can be manufactured, includes performing any act in connection with the collection, importation, supply, transshipment, administration, exportation, buying, selling, cultivation, manufacture, transmission or prescription of the substance;

“dependence-producing substance” means dependence producing drugs as determined so by the Minister;

“drug” means any dependence-producing substance, any dangerous dependence-producing substance;

“illicit substance” means any substance, natural or synthetic, which has been declared as an illicit substance by the Minister responsible for health;

"inspector" has the same meaning assigned to it under the Medicines and Related Substances Act;

"law enforcement officer" includes a police officer, health inspector and a customs officer;

"manufacture" includes all operation involved in the production, processing, compounding, formulation, filling, packaging, re-packing and labelling of a drug, related substance or a habit-forming drug;

"medical practitioner", means a person registered as a medical practitioner under the Botswana Health Professions Act;

"narcotic drug" means any substance declared as such under the Convention and includes any substance declared as a narcotic drug by the Minister responsible for health;

"plant" includes any portion of a plant;

"posses" includes keep, store or have in custody or under control or supervision;

"precursor chemicals" means a substance, including its salts, isomers, derivatives, and analogues, that may be used frequently in the illicit synthesis or manufacture of narcotic medicines, psychotropic medicines, and illicit substances as provided for under the Convention;

"premises" means land or any building, dwelling, flat, room, shop, office or other structure;

"produce" where the reference is to producing a narcotic drug or psychotropic substance, means producing it by manufacture, cultivation or any other method and "production" shall be construed accordingly;

"psychotropic substance" means any substance which has been declared as such under the Convention;

"sell" in relation to a drug, includes to offer, advertise, possess or expose the drug for sale, to dispose of it, whether for consideration or otherwise, or to exchange it;

"the register" has the same meaning as assigned to it under the Botswana Health Professions Act;

"toxicological testing or screening" is the test that determine the approximate amount and type of the legal or illegal drugs in the person's body through blood, urine, hair, saliva or sweat sample;

"trafficking" means the importation, exportation, manufacturing, buying, selling, supplying, storing, administering, conveyance, delivery or distribution by any person of an illicit substance, narcotic drug or psychotropic substance or any substance represented or held out by that person to be an illicit substance, narcotic drug or psychotropic substance; and

"veterinary surgeons" has the same meaning as assigned to it under the Veterinary Surgeons Act.

3. (1) A citizen of Botswana or a person who permanently resides in Botswana, who commits an act outside Botswana that constitutes an offence under this Act if committed in Botswana, commits such offence and shall be liable to a fine not exceeding P 500 000 or to imprisonment for a term not exceeding ten years, or to both.

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Extra-territorial
jurisdiction

(2) A person may not be convicted of an offence under subsection (1) if such person has been acquitted or convicted in the country where that offence was committed.

PART II — *Offences*

4. (1) A person shall not without lawful authority —

- (a) deal in any illicit substance or any plant from which any illicit substance can be manufactured;
- (b) possess or use any illicit substance or plant referred to under paragraph (a); or
- (c) use any precursor chemical for the manufacture of any illicit substance.

Use and
possession of
substances

(2) A person who contravenes the provisions of subsection 1(a) or (c), commits an offence and is liable to all of the following punishments, namely, to imprisonment, without the option of a fine, and without the suspension of any part of the fine, for not less than 15 years or more than 20 years, and to a fine not exceeding P1000 000 or in default of the fine, to an additional term of imprisonment of not less than five years or more than seven years.

(3) A person who contravenes the provisions of subsection 1(b), in relation to the possession of less than 60 grams of cannabis, commits an offence and shall be liable to a fine not exceeding P20 000, or to a term of imprisonment not exceeding three years, or to both.

(4) A person who contravenes the provisions of subsection 1(b), in relation to more than 60 grams of cannabis, commits an offence and shall be liable to a fine not exceeding P500 000 or to a term of imprisonment not exceeding ten years or both.

(5) Where a person commits an offence under subsection 1(b) in relation to the possession of —

- (a) such illicit substance as the Minister may prescribe for the purposes of this subsection;
- (b) such number of tablets, capsules, or pills as may be prescribed each consisting of or containing any illicit substance; or
- (c) any preparation containing 1 gram or more of any illicit substance, other than cannabis,

the punishment for the offence shall be the same as for an offence under subsection (2).

(6) Where upon the trial of a person for an offence in terms of subsection (2), the court considers that the offence has not been proved, but is satisfied that the person is guilty of an offence in terms of subsection (4), the court shall find that person guilty of such latter offence and convict and sentence the person accordingly.

(7) Every person required to be in possession of a permit, licence, prescription, approval or authority shall be considered to be without such permit, licence, prescription, approval or authority unless the person produces or gives satisfactory proof of possessing the same.

(8) Any person who is upon, or in charge of, or who accompanies, any vehicle, aircraft or animal in or upon which there is any controlled substance, or any plant or portion of a plant from which any such drug can be extracted, derived, produced or manufactured shall, until or unless the contrary is proved, be deemed for the purposes of this section, to be the possessor of such, drug, plant or portion of a plant.

(9) Notwithstanding subsection (8), the Minister may, in writing, and acting in consultation with the Authority, authorise any company, institution or individual to cultivate, manufacture, import, export, possess, distribute or sell a prohibited substance for the purpose of research, pharmaceutical analysis, or medical purpose.

Trafficking in
narcotic drugs
or psychotropic
substances

5. Any person who traffics in a narcotic drug or psychotropic substance commits an offence and shall be liable a fine not exceeding P500 000 or to imprisonment for a term not exceeding 25 years, or to or to both.

Cultivation of
plants for narcotic
or psychotropic
purposes

6. (1) Any person who, without lawful authority, cultivates any plant which can be used or consumed as a narcotic drug or psychotropic substance, or from which a narcotic drug or psychotropic substance can be extracted, commits an offence and shall be liable to a fine not exceeding P 500 000 or to imprisonment for a term not exceeding 20 years or to both.

(2) If any charge under this section it is alleged that cannabis was being cultivated, evidence that such cannabis was found in cultivated land shall be sufficient proof that it was being cultivated with the knowledge of the owner or occupier of such land, unless the contrary is proved.

Conspiracy to
commit drug
offences

7. Where two or more persons act together to commit an offence under this Act, they shall be liable to a fine not exceeding P500 000 or imprisonment for a term not exceeding 20 years, or to both.

Inducing
another to take
narcotic drugs
or psychotropic
substances

8. Any person who, by force, deceit or by any other means, induces any other person to take any illicit substance, narcotic drug or psychotropic substance, or who by any other means induces any other person to administer an illicit drug or psychotropic substance onto another person, commits an offence and shall be liable to a fine not exceeding P500 000 or to imprisonment for a term not exceeding 20 years, or to both.

Unlawful
possession of
instruments or
utensils for
administering
narcotic drugs
or psychotropic
substances

9. Any person who, without lawful authority, has in his or her possession instruments or utensils used in administering narcotic drugs or psychotropic substances commits an offence and is liable to a fine not exceeding P500 000 or to imprisonment for a term not exceeding 20 years, or to both.

Permitting
premises to be
used for
unlawful use
of narcotic
drugs or
psychotropic
substances

10. A person who occupies or controls premises or who permits those premises to be used for administering narcotic drugs or psychotropic substances, or who occupies or uses premises for the purposes of a clandestine laboratory, commits an offence and shall be liable to a fine not exceeding P200 000 or to imprisonment for a term not exceeding ten years, or to both.

11. Any person who, without lawful authority, supplies to, or procures for, any person an illicit substance or narcotic drug or psychotropic substance or advertises for sale any such drug or substance, or uses force, intimidation or extortion in supplying to or procuring for, any person an illicit or narcotic drug for sale, commits an offence and shall be liable to a fine not exceeding P 500 000 or to imprisonment for a term not exceeding 20 years, or to both.

Unlawful supply of illicit substances, narcotic drugs or psychotropic substances

12. (1) A medical practitioner shall not —

- (a) prescribe for, administer, sell or supply to any person, a narcotic drug or psychotropic substance; or
- (b) sign any prescription or order for the supply of narcotic drug or psychotropic substance to any person, except where the narcotic drug or psychotropic substance is required for the medical treatment of that person.

Provisions relating to certain prescriptions

(2) A veterinary surgeon shall not —

- (a) prescribe, administer, sell or supply a narcotic drug or psychotropic substance; or
- (b) sign any prescription or order for the supply of narcotic drug or psychotropic substance to any animal, except where the narcotic drug or psychotropic substance is required for the veterinary treatment of an animal.

(3) A person who contravenes the provisions of subsection (1) or (2) commits an offence and is liable, upon conviction, to a fine not exceeding P100 000, or to imprisonment for a term not exceeding ten years, or to both.

13. (1) Any medical practitioner, veterinary surgeon, dentist or pharmacist shall be deemed guilty of an offence and shall be liable to the penalties prescribed in section 13(3) in respect of controlled substances where the act constituting an offence was that of a partner, manager, clerk, agent, apprentice or servant associated with or employed by the medical practitioner, veterinary surgeon, dentist or pharmacist, unless that medical practitioner, veterinary surgeon, dentist or pharmacist satisfies the court that the act was committed without his or her knowledge and was not due to his or her negligence in the supervision of that partner, manager, clerk, agent, apprentice or servant.

Vicarious liability relating to controlled substances

(2) Every director and manager of a company or institution, who is resident in Botswana, shall be liable for and subject to penalties prescribed in section 13(3) in relation to illicit substances by such company or institution.

14. Where a medical practitioner, veterinary surgeon, dentist or pharmacist is convicted of an offence under this Act, he or she shall, notwithstanding any other written law, be liable to have his or her name removed from the register of practitioners licenced or registered to practice within Botswana as a medical practitioner, veterinary surgeon, dentist or pharmacist as the case may be.

Removal of practitioners' name from the register

Double
doctoring

15. Any person who, with intent to deceive obtains a narcotic drug or psychotropic substance or a prescription for a narcotic drug or psychotropic substances from a medical practitioner without disclosing to the practitioner, particulars of every narcotic drug or psychotropic substance or prescription for such drug or substance issued to him or her by a different practitioner within the preceding 30 days commits an offence and shall be liable to a fine not exceeding P 500 000 or to imprisonment for a term not exceeding 20 years or to both.

Special
jurisdiction

16. (1) Notwithstanding anything to the contrary in any written law, any Magistrate at the level of Magistrate Grade 1 and above shall have special jurisdiction to impose any penalties provided for in this Act for any contravention of the provisions of this Part, or any regulations made under this Act relating to this Part, or to exercise any of the powers provided therein in respect of such contraventions.

(2) Where any person is found guilty of any contravention of the provisions of this Part or any regulations made under this Act relating to this Part, the court shall order any illicit substance, plant, pipe, receptacle or material in respect of which the offence was committed to be forfeited to the State.

(3) Where any person is found guilty of any contravention of the provisions of this Part or any regulations made under this Act relating to this Part, the court shall order that any vehicle, aircraft, boat, animal, receptacle or thing in or upon which such illicit substance was found, be detained for a period of 28 days, and if within such period no successful application is made under subsection (4), it shall thereafter be forfeited to the State.

(4) If upon application being made to it within 28 days of the date of the order made under subsection (3) by a person claiming ownership, the court is satisfied that —

- (a) such vehicle, aircraft, boat, animal receptacle or thing is not the property of the person convicted;
- (b) the claimant is the owner; and
- (c) the person did not know that it was being used for an illegal purpose or was not able to prevent its use by the person convicted, it may, if it considers it to be equitable and expedient to do so, order the return thereof to the claimant.

(5) If the convicted person used any motor vehicle to carry or convey the medicine, plant, pipe, receptacle or material in respect of which the offence was committed, the court may suspend any driver's licence issued to that person, and disqualify him or her from driving for a period not exceeding five years, and may cancel any licence issued in respect of that vehicle.

(6) If the convicted person is the holder of any licence issued under the provisions of any written law relating to the issue of operating licences, and it is proved to the satisfaction of the court that the person used the licence to conceal or assist that person in concealing the offence, the court may cancel the licence, and may declare that person to be disqualified from obtaining another such licence for a period not exceeding five years.

(7) The office of Receiver established under the Proceeds and Instruments of Crime Act shall take control of property forfeited to the State under the provisions of this section, and the Provision shall apply to such property.

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PART III — *Investigation, Search and Seizure*

17. An owner, occupier or manager of any premises or any person in control of any place of entertainment, worship, sporting or social club who has the supervision of the place, has reason to suspect that any person in or on such place of entertainment uses, has in his or her possession or deals in illicit substances, narcotic drugs or psychotropic substances in contravention of the provisions of this Act, he or she shall —

Obligation to report certain information to a law enforcement officer

- (a) as soon as possible report the suspicion to any law enforcement officer or to the nearest police station, as the case may be; and
- (b) at the request of the law enforcement officer, furnish the police officer with such particulars as he or she may have available regarding the person in respect of whom the suspicion exists.

18. (1) A designated law enforcement officer may if he or she has reasonable grounds to suspect that an offence under this Act has been or is about to be committed by any means in respect of any narcotic drug or psychotropic substance at any time —

Powers of a law enforcement officer

- (a) enter or board and search any premises, vehicle or aircraft on or in which any such narcotic drug or psychotropic substance is suspected to be found;
- (b) search any container or other thing in which any such narcotic drug or psychotropic substance is suspected to be found;
- (c) search or cause to be searched any such person or anything in his possession or custody or under his control;
- (d) intercept or cause to be intercepted either during transit or otherwise any such article, and open and examine it in the presence of any suitable person;
- (e) question any person who in his or her opinion may be capable of furnishing any information relating to the offence or alleged offence under this Act; or
- (f) seize any property which in his or her opinion is connected with, or may provide proof of, a contravention of a provision of this Act.

(2) For purposes of sub section (1)(f), property has the same meaning assigned under the Proceeds and Instruments Crime Act.

19. A person may disclose to any law enforcement officer such information as he or she may consider necessary for the prevention or combating of the use or possession of or dealings in in illicit substances, narcotic drugs or psychotropic substances..

Disclosure of information

20. (1) Where a designated law enforcement officer has reasonable grounds for believing that any person is operating a clandestine laboratory or is using any premise for the purpose of illegal production of illicit substances as the case may be, may —

Power to search for illicit substances

- (a) enter without a search warrant upon any land, and require such person to produce for inspection his or her licence for any precursor chemical in such person's possession or any licence or other authorisation issued to the person,
 - (b) without a search warrant, search any person, any animal in the possession of such person, enter and search any land, building, vehicle, equipment, aircraft or boat in possession of that person,
 - (c) seize any precursor chemical, equipment or any article which he or she suspects is used for the production of illicit substances in a clandestine laboratory; or
 - (d) undertake any inspection which he or she may consider necessary to determine whether the provisions of this Act are complied with.
- (2) A law enforcement officer may subject, or cause to be subjected to toxicological testing or screening, any person arrested or detained under this section where there is reasonable suspicion that the person has used an illicit substance.

Operating and
permitting
premises to be
used for the
purposes of a
clandestine
laboratory

21. (1) A person who operates a clandestine laboratory commits an offence and shall be liable to a fine of not less than P1000 000 or to imprisonment for a term not less than 25 years.

(2) A person who permits his or her premises to be used as a clandestine laboratory commits an offence and shall be liable to a fine not exceeding P500 000 or to imprisonment for a term not exceeding 15 years or to both.

Internal
concealment

22. (1) Where a law enforcement officer has reasonable cause to suspect that a person is trafficking in an illicit substance or controlled chemical by concealing it inside his or her body, the law enforcement officer may detain the person for the purpose of search.

(2) A law enforcement officer detaining any person under this section shall —

- (a) clearly inform the detained person of the reason for the detention;
 - (b) arrange for the attendance of a medical practitioner who shall ask the detained person for consent to undergo a medical examination; and
 - (c) in the event that the detained person refuses to consent to a medical examination under paragraph (b), apply to the Magistrates' Court for a detention and medical examination order.
- (3) A detention and a medical examination order issued under subsection (2)(c) shall —
- (a) authorise the detention of a person for a period not exceeding 10 days;
 - (b) direct the detained person to submit to such medical examination as a medical practitioner considers may reasonably be necessary to establish whether the person is internally concealing an illicit drug or controlled chemical; and
 - (c) authorise a medical practitioner to carry out a relevant medical procedure to recover the drug or controlled substance as may be reasonable and appropriate in the circumstances.

(4) No action shall lie against a medical practitioner for any act done by him under this section unless it can be proved that such act was done maliciously and without reasonable justification.

(5) Any law enforcement officer who obtains a detention and medical examination order under subsection (2)(c) may apply to the Magistrate's Court, before the detention order has expired, for an extension of the detention order.

(6) A law enforcement officer may seize any illicit substance or controlled chemical found under this section.

(7) If no illicit substance or controlled chemical is found following a medical examination the detained person shall be released.

23. A designated law enforcement officer may, if he or she considers that any communication or postal article is likely to contain any information or substance which is likely to be relevant for the purpose of any investigation into an offence under this Act, or any corresponding foreign law, after issuance of a warrant —

Power to
intercept
communication

(a) intercept, detain and open any postal article in the course of transmission by post; or

(b) intercept any message transmitted or received by any telecommunication.

24. (1) Where a designated law enforcement officer, suspects on reasonable grounds that any person has committed, is committing or is about to commit an offence against this Act, he or she may give written approval for —

Controlled
delivery

(a) a controlled delivery to be carried out; and

(b) named persons to carry out or participate in the controlled delivery.

(2) Notwithstanding any law to the contrary, activities which may be undertaken in the course of and for the purposes of a controlled delivery include the following —

(a) allowing any craft or vehicle to enter, leave or transit through Botswana;

(b) allowing delivery of any:

(i) illicit substance, controlled chemical or controlled equipment, in or on the craft or vehicle, or

(ii) property suspected to be involved directly or indirectly with any offence under this Act,

and the officer may, for the purpose of investigating the matter, leave or replace any portion of that illicit substance, controlled chemical or controlled equipment,

(c) using such force as may be reasonable in the circumstances to enter and search the craft or vehicle;

(d) placing a tracking device on board the craft or vehicle; or

(e) allowing any person who has possession, custody or control of the illicit substance, controlled chemical or controlled equipment to enter, leave or transit through Botswana.

Obstruction of
inspection or
search

25. Any person who —

- (a) prevents any law enforcement officer authorised to enter, search or have access to any premises from so entering, searching or having access;
 - (b) assaults, obstructs, hinders or delays an officer;
 - (c) fails to comply with any lawful demand of a law enforcement officer;
 - (d) refuses or neglects to give any information which may reasonably be required of him or her and which he or she has power to give;
 - (e) fails to produce, conceals or attempts to conceal any property, document or book in relation to which there is reasonable ground to suspect that an offence has been or is being committed under this Act, or which is liable to seizure under this Act;
 - (f) retrieves or endeavours to retrieve or causes to be retrieved anything which has been duly seized;
 - (g) furnishes to any law enforcement officer as true, information which he or she knows or has reason to believe to be false; or
 - (h) before or after any seizure destroys anything to prevent the seizure or securing of any substance or part of it,
- commits an offence and shall be liable to a fine not exceeding P100 000 or to imprisonment for a term not exceeding 12 months or to both.

PART IV — Rehabilitation Centres

Rehabilitation
centres

- 26.** The Minister responsible for health may establish centres to be known as rehabilitation centres.

PART V — Drug enforcement Agency

Drug
Enforcement
Agency

- 27. (1)** There is hereby established a Drug Enforcement Agency.

(2) The Agency will be a department in the Ministry responsible for security, and shall be under the control and supervision of the Minister responsible for security.

Functions of
the Drug
Enforcement
Agency

- 28. (1)** The functions of the Agency shall be to —

- (a) collect, collate and disseminate information on illegal use of narcotic drugs and psychotropic substances;
- (b) receive and investigate any complaint of alleged or suspected breach of this Act and, subject to the directives of the Director of Public Prosecutions, prosecute for offences under this Act;
- (c) address and advise government ministries and departments, public bodies, companies, institutions, statutory bodies and corporations on ways and means of preventing prohibited activities relating to narcotic drugs and psychotropic substances and suggest measures, procedures or methods of work compatible with the proper performances of their duties which, in the opinion of the Agency, would reduce prohibited activities relating to narcotic drugs and psychotropic substances;

- (d) disseminate information intended to educate the public on the dangers and effects of drug abuse or psychotropic substance abuse; and
 - (e) enlist and foster public support against drug abuse or psychotropic substance abuse.
- (2) Nothing in this section shall preclude the disclosure of information by the Agency to a comparable body in a foreign country for the purpose of assisting it in exercising functions corresponding to those of the Agency under this Act.
- (3) The Agency shall regard and deal with as confidential, all information in terms of sub section (2).

PART VI — *Final Provisions*

29. The Minister may make regulations for the better carrying out of the objects of this Act. Regulations

SCHEDULE

UNITED NATIONS CONVENTION AGAINST ILICIT TRAFFIC IN
NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

The Parties to this Convention,

Deeply concerned by the magnitude of and rising trend in the illicit production of, demand for and traffic in narcotic drugs and psychotropic substances, which pose a serious threat to the health and welfare of human beings and adversely affect the economic, cultural and political foundations of society,

Deeply concerned also by the steadily increasing inroads into various social groups made by illicit traffic in narcotic drugs and psychotropic substances, and particularly by the fact that children are used in many parts of the world as an illicit drug consumers market and for purposes of illicit production, distribution and trade in narcotic drugs and psychotropic substances, which entails a danger of incalculable gravity,

Recognizing the links between illicit traffic and other related organized criminal activities which undermine the legitimate economies and threaten the stability, security and sovereignty of States,

Recognizing also that illicit traffic is an international criminal activity, the suppression of which demands urgent attention and the highest priority,

Aware that illicit traffic generates large financial profits and wealth enabling transnational criminal organizations to penetrate, contaminate and corrupt the structures of government, legitimate commercial and financial business, and society at all its levels,

Determined to deprive persons engaged in illicit traffic of the proceeds of their criminal activities and thereby eliminate their main incentive for so doing,

Desiring to eliminate the root causes of the problem of abuse of narcotic drugs and psychotropic substances, including the illicit demand for such drugs and substances and the enormous profits derived from illicit traffic,

Considering that measures are necessary to monitor certain substances, including precursors, chemicals and solvents, which are used in the manufacture of narcotic drugs and psychotropic substances, the ready availability of which has led to an increase in the clandestine manufacture of such drugs and substances,

Determined to improve international co-operation in the suppression of illicit traffic by sea,

Recognizing that eradication of illicit traffic is a collective responsibility of all States and that, to that end, co-ordinated action within the framework of international co-operation is necessary,

Acknowledging the competence of the United Nations in the field of control of narcotic drugs and psychotropic substances and desirous that the international organs concerned with such control should be within the framework of that Organization,

Reaffirming the guiding principles of existing treaties in the field of narcotic drugs and psychotropic substances and the system of control which they embody,

Recognizing the need to reinforce and supplement the measures provided in the Single Convention on Narcotic Drugs, 1953, that Convention as amended by the

1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961, and the 1971 Convention on Psychotropic Substances, in order to counter the magnitude and extent of illicit traffic and its grave consequences,

Recognizing also the importance of strengthening and enhancing effective legal means for international co-operation in criminal matters for suppressing the international criminal activities of illicit traffic,

Desiring to conclude a comprehensive, effective and operative international convention that is directed specifically against illicit traffic and that considers the various aspects of the problem as a whole, in particular those aspects not envisaged in the existing treaties in the field of narcotic drugs and psychotropic substances,

Hereby agree as follows:

Article 1

DEFINITIONS

Except where otherwise expressly indicated or where the context otherwise requires, the following definitions shall apply throughout this Convention:

- a) "Board" means the International Narcotics Control Board established by the Single Convention on Narcotic Drugs, 1961, and that Convention as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961;
- b) "Cannabis plant" means any plant of the genus *Cannabis*;
- c) "Coca bush" means the plant of any species of the genus *Erythroxylon*;
- d) "Commercial carrier" means any person or any public, private or other entity engaged in transporting persons, goods or mails for remuneration, hire or any other benefit;
- e) "Commission" means the Commission on Narcotic Drugs of the Economic and Social Council of the United Nations;
- f) "Confiscation", which includes forfeiture where applicable, means the permanent deprivation of property by order of a court or other competent authority;
- g) "Controlled delivery" means the technique of allowing illicit or suspect consignments of narcotic drugs, psychotropic substances, substances in Table I and Table II annexed to this Convention, or substances substituted for them, to pass out of, through or into the territory of one or more countries, with the knowledge and under the supervision of their competent authorities, with a view to identifying persons involved in the commission of offences established in accordance with article 3, paragraph 1 of the Convention;
- h) "1961 Convention" means the Single Convention on Narcotic Drugs, 1961;
- i) "1961 Convention as amended" means the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961;
- j) "1971 Convention" means the Convention on Psychotropic Substances, 1971;
- k) "Council" means the Economic and Social Council of the United Nations;

- d) "Freezing" or "seizure" means temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or a competent authority;
- m) "Illicit traffic" means the offences set forth in article 3, paragraphs 1 and 2, of this Convention;
- n) "Narcotic drug" means any of the substances, natural or synthetic, in Schedules I and II of the Single Convention on Narcotic Drugs, 1961, and that Convention as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961;
- o) "Opium poppy" means the plant of the species *Papaver somniferum* L.;
- p) "Proceeds" means any property derived from or obtained, directly or indirectly, through the commission of an offence established in accordance with article 3, paragraph 1;
- q) "Property" means assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to, or interest in, such assets;
- r) "Psychotropic substance" means any substance, natural or synthetic, or any natural material in Schedules I, II, III and IV of the Convention on Psychotropic Substances, 1971;
- s) "Secretary-General" means the Secretary-General of the United Nations;
- t) "Table I" and "Table II" mean the correspondingly numbered lists of substances annexed to this Convention, as amended from time to time in accordance with article 12,
- u) "Transit State" means a State through the territory of which illicit narcotic drugs, psychotropic substances and substances in Table I and Table II are being moved, which is neither the place of origin nor the place of ultimate destination thereof.

Article 2

SCOPE OF THE CONVENTION

1. The purpose of this Convention is to promote co-operation among the Parties so that they may address more effectively the various aspects of illicit traffic in narcotic drugs and psychotropic substances having an international dimension. In carrying out their obligations under the Convention, the Parties shall take necessary measures, including legislative and administrative measures, in conformity with the fundamental provisions of their respective domestic legislative systems.
2. The Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.
3. A Party shall not undertake in the territory of another Party the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other Party by its domestic law.

Article 3

OFFENCES AND SANCTIONS

1. Each Party shall adopt such measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally:

- a)
 - i) The production, manufacture, extraction; preparation, offering, offering for sale, distribution, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation or exportation of any narcotic drug or any psychotropic substance contrary to the provisions of the 1961 Convention, the 1961 Convention as amended or the 1971 Convention;
 - ii) The cultivation of opium poppy, coca bush or cannabis plant for the purpose of the production of narcotic drugs contrary to the provisions of the 1961 Convention and the 1961 Convention as amended;
 - iii) The possession or purchase of any narcotic drug or psychotropic substance for the purpose of any of the activities enumerated in (i) above;
 - iv) The manufacture, transport or distribution of equipment, materials or of substances listed in Table I and Table II, knowing that they are to be used in or for the illicit cultivation, production or manufacture of narcotic drugs or psychotropic substances;
 - v) The organization, management or financing of any of the offences enumerated in (i), (ii), (iii) or (iv) above;
- b)
 - i) The conversion or transfer of property, knowing that such property is derived from any offence or offences established in accordance with subparagraph (a) of this paragraph, or from an act of participation in such offence or offences, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such an offence or offences to evade the legal consequences of his actions;
 - ii) The concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of property, knowing that such property is derived from an offence or offences established in accordance with subparagraph (a) of this paragraph or from an act of participation in such an offence or offences;
- c) Subject to its constitutional principles and the basic concepts of its legal system:
 - i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property was derived from an offence or offences established in accordance with subparagraph (a) of this paragraph or from an act of participation in such offence or offences;
 - ii) The possession of equipment or materials or substances listed in Table I and Table II, knowing that they are being or are to be used in or for the illicit cultivation, production or

- iii) Publicly inciting or inducing others, by any means, to commit any of the offences established in accordance with this article or to use narcotic drugs or psychotropic substances illicitly;
- iv) Participation in, association or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.

2. Subject to its constitutional principles and the basic concepts of its legal system, each Party shall adopt such measures as may be necessary to establish as a criminal offence under its domestic law, when committed intentionally, the possession, purchase or cultivation of narcotic drugs or psychotropic substances for personal consumption contrary to the provisions of the 1961 Convention, the 1961 Convention as amended or the 1971 Convention.

3. Knowledge, intent or purpose required as an element of an offence set forth in paragraph 1 of this article may be inferred from objective factual circumstances

- 4. a) Each Party shall make the commission of the offences established in accordance with paragraph 1 of this article liable to sanctions which take into account the grave nature of these offences, such as imprisonment or other forms of deprivation of liberty, pecuniary sanctions and confiscation.
- b) The Parties may provide, in addition to conviction or punishment, for an offence established in accordance with paragraph 1 of this article, that the offender shall undergo measures such as treatment, education, aftercare, rehabilitation or social reintegration.
- c) Notwithstanding the preceding subparagraphs, in appropriate cases of a minor nature, the Parties may provide, as alternatives to conviction or punishment, measures such as education, rehabilitation or social reintegration, as well as, when the offender is a drug abuser, treatment and aftercare.
- d) The Parties may provide, either as an alternative to conviction or punishment, or in addition to conviction or punishment of an offence established in accordance with paragraph 2 of this article, measures for the treatment, education, aftercare, rehabilitation or social reintegration of the offender.

5. The Parties shall ensure that their courts and other competent authorities having jurisdiction can take into account factual circumstances which make the commission of the offences established in accordance with paragraph 1 of this article particularly serious, such as:

- a) The involvement in the offence of an organized criminal group to which the offender belongs;
- b) The involvement of the offender in other international organized criminal activities;
- c) The involvement of the offender in other illegal activities facilitated by commission of the offence;
- d) The use of violence or arms by the offender;
- e) The fact that the offender holds a public office and that the offence is connected with the office in question;
- f) The victimization or use of minors;
- g) The fact that the offence is committed in a penal institution or in an educational institution or social service facility or in their immediate vicinity or in other places to which school children and students resort for educational, sports and social activities;

- h) Prior conviction, particularly for similar offences, whether foreign or domestic, to the extent permitted under the domestic law of a Party.
6. The Parties shall endeavour to ensure that any discretionary legal powers under their domestic law relating to the prosecution of persons for offences established in accordance with this article are exercised to maximize the effectiveness of law enforcement measures in respect of those offences, and with due regard to the need to deter the commission of such offences.
7. The Parties shall, ensure that their courts or other competent authorities bear in mind the serious nature of the offences enumerated in paragraph 1 of this article and the circumstances enumerated in paragraph 5 of this article when considering the eventuality of early release or parole of persons convicted of such offences.
8. Each Party shall, where appropriate, establish under its domestic law a long statute of limitations period in which to commence proceedings for any offence established in accordance with paragraph 1 of this article, and a longer period where the alleged offender has evaded the administration of justice.
9. Each Party shall take appropriate measures, consistent with its legal system, to ensure that a person charged with or convicted of an offence established in accordance with paragraph 1 of this article, who is found within its territory, is present at the necessary criminal proceedings.
10. For the purpose of co-operation among the Parties under this Convention, including, in particular, co-operation under articles 5, 6, 7 and 9, offences established in accordance with this article shall not be considered as fiscal offences or as political offences or regarded as politically motivated, without prejudice to the constitutional limitations and the fundamental domestic law of the Parties.
11. Nothing contained in this article shall affect the principle that the description of the offences to which it refers and of legal defences thereto is reserved to the domestic law of a Party and that such offences shall be prosecuted and punished in conformity with that law.

Article 4

JURISDICTION

1. Each Party:
- a) Shall take such measures as may be necessary to establish its jurisdiction over the offences it has established in accordance with article 3, paragraph 1, when:
 - i) The offence is committed in its territory;
 - ii) The offence is committed on board a vessel flying its flag or an aircraft which is registered under its laws at the time the offence is committed;
 - b) May take such measures as maybe necessary to establish its jurisdiction over the offences it has established in accordance with article 3, paragraph 1, when:
 - i) The offence is committed by one of its nationals or by a person who has his habitual residence in its territory;
 - ii) The offence is committed on board a vessel concerning which that Party has been authorized to take appropriate action pursuant to article 17, provided that such jurisdiction shall be exercised only on the basis of agreements or arrangements referred to in paragraphs 4 and 9 of that article;

- iii) The offence is one of those established in accordance with article 3, paragraph 1, subparagraph (c) iv), and is committed outside its territory with a view to the commission, within its territory, of an offence established in accordance with article 3, paragraph 1.

2. Each Party:

- a) Shall also take such measures as may be necessary to establish its jurisdiction over the offences it has established in accordance with article 3, paragraph 1, when the alleged offender is present in its territory and it does not extradite him to another Party on the ground:
 - i) That the offence has been committed in its territory or on board a vessel flying its flag or an aircraft which was registered under its law at the time the offence was committed; or
 - ii) That the offence has been committed by one of its nationals;
- b) May also take such measures as may be necessary to establish its jurisdiction over the offences it has established in accordance with article 3, paragraph 1, when the alleged offender is present in its territory and it does not extradite him to another Party.

3. This Convention does not exclude the exercise of any criminal jurisdiction established by a Party in accordance with its domestic law.

Article 5

CONFISCATION

1. Each Party shall adopt such measures as may be necessary to enable confiscation of:

- a) Proceeds derived from offences established in accordance with article 3, paragraph 1, or property the value of which corresponds to that of such proceeds;
- b) Narcotic drugs and psychotropic substances, materials and equipment or other instrumentalities used in or intended for use in any manner in offences established in accordance with article 3, paragraph 1.

2. Each Party shall also adopt such measures as may be necessary to enable its competent authorities to identify, trace, and freeze or seize proceeds, property, instrumentalities or any other things referred to in paragraph 1 of this article, for the purpose of eventual confiscation.

3. In order to carry out the measures referred to in this article, each Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or be seized. A Party shall not decline to act under the provisions of this paragraph on the ground of bank secrecy.

4. a) Following a request made pursuant to this article by another Party having jurisdiction over an offence established in accordance with article 3, paragraph 1, the Party in whose territory proceeds, property, instrumentalities or any other things referred to in paragraph 1 of this article are situated shall:

- i) Submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such order is granted, give effect to it; or

- ii) Submit to its competent authorities, with a view to giving effect to it to the extent requested, an order of confiscation issued by the requesting Party in accordance with paragraph 1 of this article, in so far as it relates to proceeds, property, instrumentalities or any other things referred to in paragraph 1 situated in the territory of the requested Party.
 - b) Following a request made pursuant to this article by another Party having jurisdiction over an offence established in accordance with article 3, paragraph 1, the requested Party shall take measures to identify, trace, and freeze or seize proceeds, property, instrumentalities or any other things referred to in paragraph 1 of this article for the purpose of eventual confiscation to be ordered either by the requesting Party or, pursuant to a request under subparagraph (a) of this paragraph, by the requested Party.
 - c) The decisions or actions provided for in subparagraphs (a) and (b) of this paragraph shall be taken by the requested Party, in accordance with and subject to the provisions of its domestic law and its procedural rules or any bilateral or multilateral treaty, agreement or arrangement to which it may be bound in relation to the requesting Party.
 - d) The provisions of article 7, paragraphs 6 to 19 are applicable *mutatis mutandis*. In addition to the information specified in article 7, paragraph 10, requests made pursuant to this article shall contain the following:
 - i) In the case of a request pertaining to subparagraph (a) (i) of this paragraph, a description of the property to be confiscated and a statement of the facts relied upon by the requesting Party sufficient to enable the requested Party to seek the order under its domestic law;
 - ii) In the case of a request pertaining to subparagraph (a) (ii), a legally admissible copy of an order of confiscation issued by the requesting Party upon which the request is based, a statement of the facts and information as to the extent to which the execution of the order is requested;
 - iii) In the case of a request pertaining to subparagraph (b), a statement of the facts relied upon by the requesting Party and a description of the actions requested.
 - e) Each Party shall furnish to the Secretary-General the text of any of its laws and regulations which give effect to this paragraph and the text of any subsequent changes to such laws and regulations.
 - f) If a Party elects to make the taking of the measures referred to in subparagraphs (a) and (b) of this paragraph conditional on the existence of a relevant treaty, that Party shall consider this Convention as the necessary and sufficient treaty basis.
 - g) The Parties shall seek to conclude bilateral and multilateral treaties, agreements or arrangements to enhance the effectiveness of international co-operation pursuant to this article.
5. a) Proceeds or property confiscated by a Party pursuant to paragraph 1 or paragraph 4 of this article shall be disposed of by that Party according to its domestic law and administrative procedures.
- b) When acting on the request of another Party in accordance with this article, a Party may give special consideration to concluding agreements on:

- i) Contributing the value of such proceeds and property, or funds derived from the sale of such proceeds or property, or a substantial part thereof, to intergovernmental bodies specializing in the fight against illicit traffic in and abuse of narcotic drugs and psychotropic substances;
 - ii) Sharing with other Parties, on a regular or case-by-case basis, such proceeds or property, or funds derived from the sale of such proceeds or property, in accordance with its domestic law, administrative procedures or bilateral or multilateral agreements entered into for this purpose.
6. a) If proceeds have been transformed or converted into other property, such property shall be liable to the measures referred to in this article instead of the proceeds.
- b) If proceeds have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to seizure or freezing, be liable to confiscation up to the assessed value of the intermingled proceeds.
- c) Income or other benefits derived from:
- i) Proceeds;
 - ii) Property into which proceeds have been transformed or converted; or
 - iii) Property with which proceeds have been intermingled shall also be liable to the measures referred to in this article, in the same manner and to the same extent as proceeds.
7. Each Party may consider ensuring that the onus of proof be reversed regarding the lawful origin of alleged proceeds or other property liable to confiscation, to the extent that such action is consistent with the principles of its domestic law and with the nature of the judicial and other proceedings.
8. The provisions of this article shall not be construed as prejudicing the rights of bona fide third parties.
9. Nothing contained in this article shall affect the principle that the measures to which it refers shall be defined and implemented in accordance with and subject to the provisions of the domestic law of a Party.

Article 4

JURISDICTION

4. Each Party:

- a) Shall take such measures as may be necessary to establish its jurisdiction over the offences it has established in accordance with article 3, paragraph 1, when:
 - i) The offence is committed in its territory;
 - ii) The offence is committed on board a vessel flying its flag or an aircraft which is registered under its laws at the time the offence is committed;
- b) May take such measures as maybe necessary to establish its jurisdiction over the offences it has established in accordance with article 3, paragraph 1, when:
 - i) The offence is committed by one of its nationals or by a person who has his habitual residence in its territory;

- ii) The offence is committed on board a vessel concerning which that Party has been authorized to take appropriate action pursuant to article 17, provided that such jurisdiction shall be exercised only on the basis of agreements or arrangements referred to in paragraphs 4 and 9 of that article;
 - iii) The offence is one of those established in accordance with article 3, paragraph 1, subparagraph (c) (iv), and is committed outside its territory with a view to the commission, within its territory, of an offence established in accordance with article 3, paragraph 1.
2. Each Party:
- a) Shall also take such measures as may be necessary to establish its jurisdiction over the offences it has established in accordance with article 3, paragraph 1, when the alleged offender is present in its territory and it does not extradite him to another Party on the ground:
 - iv) That the offence has been committed in its territory or on board a vessel flying its flag or an aircraft which was registered under its law at the time the offence was committed; or
 - v) That the offence has been committed by one of its nationals;
 - b) May also take such measures as may be necessary to establish its jurisdiction over the offences it has established in accordance with article 3, paragraph 1, when the alleged offender is present in its territory and it does not extradite him to another Party.
3. This Convention does not exclude the exercise of any criminal jurisdiction established by a Party in accordance with its domestic law.

Article 5

CONFISCATION

1. Each Party shall adopt such measures as may be necessary to enable confiscation of:
- a) Proceeds derived from offences established in accordance with article 3, paragraph 1, or property the value of which corresponds to that of such proceeds;
 - b) Narcotic drugs and psychotropic substances, materials and equipment or other instrumentalities used in or intended for use in any manner in offences established in accordance with article 3, paragraph 1.
2. Each Party shall also adopt such measures as may be necessary to enable its competent authorities to identify, trace, and freeze or seize proceeds, property, instrumentalities or any other things referred to in paragraph 1 of this article, for the purpose of eventual confiscation.
3. In order to carry out the measures referred to in this article, each Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or be seized. A Party shall not decline to act under the provisions of this paragraph on the ground of bank secrecy.

4. a) Following a request made pursuant to this article by another Party having jurisdiction over an offence established in accordance with article 3, paragraph 1, the Party in whose territory proceeds, property, instrumentalities or any other things referred to in paragraph 1 of this article are situated shall:
 - i) Submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such order is granted, give effect to it; or
 - ii) Submit to its competent authorities, with a view to giving effect to it to the extent requested, an order of confiscation issued by the requesting Party in accordance with paragraph 1 of this article, in so far as it relates to proceeds, property, instrumentalities or any other things referred to in paragraph 1 situated in the territory of the requested Party.
- b) Following a request made pursuant to this article by another Party having jurisdiction over an offence established in accordance with article 3, paragraph 1, the requested Party shall take measures to identify, trace, and freeze or seize proceeds, property, instrumentalities or any other things referred to in paragraph 1 of this article for the purpose of eventual confiscation to be ordered either by the requesting Party or, pursuant to a request under subparagraph a) of this paragraph, by the requested Party.
- c) The decisions or actions provided for in subparagraphs (a) and (b) of this paragraph shall be taken by the requested Party, in accordance with and subject to the provisions of its domestic law and its procedural rules or any bilateral or multilateral treaty, agreement or arrangement to which it may be bound in relation to the requesting Party.
- d) The provisions of article 7, paragraphs 6 to 19 are applicable *mutatis mutandis*. In addition to the information specified in article 7, paragraph 10, requests made pursuant to this article shall contain the following:
 - i) In the case of a request pertaining to subparagraph (a) (i) of this paragraph, a description of the property to be confiscated and a statement of the facts relied upon by the requesting Party sufficient to enable the requested Party to seek the order under its domestic law;
 - ii) In the case of a request pertaining to subparagraph (a) (ii), a legally admissible copy of an order of confiscation issued by the requesting Party upon which the request is based, a statement of the facts and information as to the extent to which the execution of the order is requested;
 - iii) In the case of a request pertaining to subparagraph (b), a statement of the facts relied upon by the requesting Party and a description of the actions requested.
- e) Each Party shall furnish to the Secretary-General the text of any of its laws and regulations which give effect to this paragraph and the text of any subsequent changes to such laws and regulations.
- f) If a Party elects to make the taking of the measures referred to in subparagraphs (a) and (b) of this paragraph conditional on the existence of a relevant treaty, that Party shall consider this Convention as the necessary and sufficient treaty basis.

- g) The Parties shall seek to conclude bilateral and multilateral treaties, agreements or arrangements to enhance the effectiveness of international co-operation pursuant to this article.
- 5. a) Proceeds or property confiscated by a Party pursuant to paragraph 1 or paragraph 4 of this article shall be disposed of by that Party according to its domestic law and administrative procedures.
- b) When acting on the request of another Party in accordance with this article, a Party may give special consideration to concluding agreements on:
 - i) Contributing the value of such proceeds and property, or funds derived from the sale of such proceeds or property, or a substantial part thereof, to intergovernmental bodies specializing in the fight against illicit traffic in and abuse of narcotic drugs and psychotropic substances;
 - ii) Sharing with other Parties, on a regular or case-by-case basis, such proceeds or property, or funds derived from the sale of such proceeds or property, in accordance with its domestic law, administrative procedures or bilateral or multilateral agreements entered into for this purpose.
- 6. a) If proceeds have been transformed or converted into other property, such property shall be liable to the measures referred to in this article instead of the proceeds.
- b) If proceeds have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to seizure or freezing, be liable to confiscation up to the assessed value of the intermingled proceeds.
- c) Income or other benefits derived from:
 - i) Proceeds;
 - ii) Property into which proceeds have been transformed or converted; or
 - iii) Property with which proceeds have been intermingled shall also be liable to the measures referred to in this article, in the same manner and to the same extent as proceeds.
- 7. Each Party may consider ensuring that the onus of proof be reversed regarding the lawful origin of alleged proceeds or other property liable to confiscation, to the extent that such action is consistent with the principles of its domestic law and with the nature of the judicial and other proceedings.
- 8. The provisions of this article shall not be construed as prejudicing the rights of bona fide third parties.
- 9. Nothing contained in this article shall affect the principle that the measures to which it refers shall be defined and implemented in accordance with and subject to the provisions of the domestic law of a Party.

Article 6

EXTRADITION

1. This article shall apply to the offences established by the Parties in accordance with article 3, paragraph 1.

2. Each of the offences to which this article applies shall be deemed to be included as an extraditable offence in any extradition treaty existing between Parties. The Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

3. If a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of any offence to which this article applies. The Parties which require detailed legislation in order to use this Convention as a legal basis for extradition shall consider enacting such legislation as may be necessary.

4. The Parties which do not make extradition conditional on the existence of a treaty shall recognize offences to which this article applies as extraditable offences between themselves.

5. Extradition shall be subject to the conditions provided for by the law of the requested Party or by applicable extradition treaties, including the grounds upon which the requested Party may refuse extradition.

6. In considering requests received pursuant to this article, the requested State may refuse to comply with such requests where there are substantial grounds leading its judicial or other competent authorities to believe that compliance would facilitate the prosecution or punishment of any person on account of his race, religion, nationality or political opinions, or would cause prejudice for any of those reasons to any person affected by the request.

7. The Parties shall endeavour to expedite extradition procedures and to simplify evidentiary requirements relating thereto in respect of any offence to which this article applies.

8. Subject to the provisions of its domestic law and its extradition treaties, the requested Party may, upon being satisfied that the circumstances so warrant and are urgent, and at the request of the requesting Party, take a person whose extradition is sought and who is present in its territory into custody or take other appropriate measures to ensure his presence at extradition proceedings.

9. Without prejudice to the exercise of any criminal jurisdiction established in accordance with its domestic law, a Party in whose territory an alleged offender is found shall:

a) If it does not extradite him in respect of an offence established in accordance with article 3, paragraph 1, on the grounds set forth in article 4, paragraph 2, subparagraph (a), submit the case to its competent authorities for the purpose of prosecution, unless otherwise agreed with the requesting Party;

b) If it does not extradite him in respect of such an offence and has established its jurisdiction in relation to that offence in accordance with article 4, paragraph 2, subparagraph (b), submit the case to its competent authorities for the purpose of prosecution, unless otherwise requested by the requesting Party for the purposes of preserving its legitimate jurisdiction.

10. If extradition, sought for purposes of enforcing a sentence, is refused because the person sought is a national of the requested Party, the requested Party shall, if its law so permits and in conformity with the requirements of such law, upon application of the requesting Party, consider, the enforcement of the sentence which has been imposed under the law of the requesting Party, or the remainder thereof.

11. The Parties shall seek to conclude bilateral and multilateral agreements to carry out or to enhance the effectiveness of extradition.

12. The Parties may consider entering into bilateral or multilateral agreements, whether ad hoc or general, on the transfer to their country of persons sentenced to imprisonment and other forms of deprivation of liberty for offences to which this article applies, in order that they may complete their sentences there.

Article 7

MUTUAL LEGAL ASSISTANCE

1. The Parties shall afford one another, pursuant to this article, the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to criminal offences established in accordance with article 3, paragraph 1.

2. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

- a) Taking evidence or statements from persons;
- b) Effecting service of judicial documents;
- c) Executing searches and seizures;
- d) Examining objects and sites;
- e) Providing information and evidentiary items;
- f) Providing originals or certified copies of relevant documents and records, including bank, financial, corporate or business records;
- g) Identifying or tracing proceeds, property, instrumentalities or other things for evidentiary purposes.

3. The Parties may afford one another any other forms of mutual legal assistance allowed by the domestic law of the requested Party.

4. Upon request, the Parties shall facilitate or encourage, to the extent consistent with their domestic law and practice, the presence or availability of persons, including persons in custody, who consent to assist in investigations or participate in proceedings.

5. A Party shall not decline to render mutual legal assistance under this article on the ground of bank secrecy.

6. The provisions of this article shall not affect the obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual legal assistance in criminal matters.

7. Paragraphs 8 to 19 of this article shall apply to requests made pursuant to this article if the Parties in question are not bound by a treaty of mutual legal assistance. If these Parties are bound by such a treaty, the corresponding provisions of that treaty shall apply unless the Parties agree to apply paragraphs 8 to 19 of this article in lieu thereof.

8. Parties shall designate an authority, or when necessary authorities, which shall have the responsibility and power to execute requests for mutual legal assistance or to transmit them to the competent authorities for execution. The authority or the authorities designated for this purpose shall be notified to the Secretary-General.

Transmission of requests for mutual legal assistance and any communication related thereto shall be effected between the authorities designated by the Parties; this requirement shall be without prejudice to the right of a Party to require that such requests and communications be addressed to it through the diplomatic channel and, in urgent circumstances, where the Parties agree, through channels of the International Criminal Police Organization, if possible.

9. Requests shall be made in writing in a language acceptable to the requested Party. The language or languages acceptable to each Party shall be notified to the Secretary-General. In urgent circumstances, and where agreed by the Parties, requests may be made orally, but shall be confirmed in writing forthwith.

10. A request for mutual legal assistance shall contain:

- a) The identity of the authority making the request;
- b) The subject matter and nature of the investigation, prosecution or proceeding to which the request relates, and the name and the functions of the authority conducting such investigation, prosecution or proceeding;
- c) A summary of the relevant facts, except in respect of requests for the purpose of service of judicial documents;
- d) A description of the assistance sought and details of any particular procedure the requesting Party wishes to be followed;
- e) Where possible, the identity, location and nationality of any person concerned;
- f) The purpose for which the evidence, information or action is sought.

11. The requested Party may request additional information when it appears necessary for the execution of the request in accordance with its domestic law or when it can facilitate such execution.

12. A request shall be executed in accordance with the domestic law of the requested Party and, to the extent not contrary to the domestic law of the requested Party and where possible, in accordance with the procedures specified in the request.

13. The requesting Party shall not transmit nor use information or evidence furnished by the requested Party for investigations, prosecutions or proceedings other than those stated in the request without the prior consent of the requested Party.

14. The requesting Party may require that the requested Party keep confidential the fact and substance of the request, except to the extent necessary to execute the request. If the requested Party cannot comply with the requirement of confidentiality, it shall promptly inform the requesting Party.

15. Mutual legal assistance may be refused:

- a) If the request is not made in conformity with the provisions of this article;
- b) If the requested Party considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or other essential interests;
- c) If the authorities of the requested Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or proceedings under their own jurisdiction;
- d) If it would be contrary to the legal system of the requested Party relating to mutual legal assistance for the request to be granted.

16. Reasons shall be given for any refusal of mutual legal assistance.

17. Mutual legal assistance may be postponed by the requested Party on the ground that it interferes with an ongoing investigation, prosecution or proceeding. In such a case, the requested Party shall consult with the requesting Party to determine if the assistance can still be given subject to such terms and conditions as the requested Party deems necessary.

18. A witness, expert or other person who consents to give evidence in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting Party, shall not be prosecuted, detained, punished or subjected to any other restriction of his personal liberty in that territory in respect of acts, omissions or convictions prior to his departure from the territory of the requested Party. Such safe conduct shall cease when the witness, expert or other person having had, for a period of fifteen consecutive days, or for any period agreed upon by the Parties, from the date on which he has been officially informed that his presence is no longer required by the judicial authorities, an opportunity of leaving, has nevertheless remained voluntarily in the territory or, having left it, has returned of his own free will.

19. The ordinary costs of executing a request shall be borne by the requested Party, unless otherwise agreed by the Parties concerned. If expenses of a substantial or extraordinary nature are or will be required to fulfil the request, the Parties shall consult to determine the terms and conditions under which the request will be executed as well as the manner in which the costs shall be borne.

20. The Parties shall consider, as may be necessary, the possibility of concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to, or enhance the provisions of this article.

Article 8

TRANSFER OF PROCEEDINGS

The Parties shall give consideration to the possibility of transferring to one another proceedings for criminal prosecution of offences established in accordance with article 3, paragraph 1, in cases where such transfer is considered to be in the interests of a proper administration of justice.

Article 9

OTHER FORMS OF CO-OPERATION AND TRAINING

1. The Parties shall co-operate closely with one another, consistent with their respective domestic legal and administrative systems, with a view to enhancing the effectiveness of law enforcement action to suppress the commission of offences established in accordance with article 3, paragraph 1. They shall, in particular, on the basis of bilateral or multilateral agreements or arrangements:

- a) Establish and maintain channels of communication between their competent agencies and services to facilitate the secure and rapid exchange of information concerning all aspects of offences established in accordance with article 3, paragraph 1, including, if the Parties concerned deem it appropriate, links with other criminal activities;

- b) Co-operate with one another in conducting enquiries, with respect to offences established in accordance with article 3, paragraph 1, having an international character, concerning:
 - i) The identity, whereabouts and activities of persons suspected of being involved in offences established in accordance with article 3, paragraph 1;
 - ii) The movement of proceeds or property derived from the commission of such offences;
 - iii) The movement of narcotic drugs, psychotropic substances, substances in Table I and Table II of this Convention and instrumentalities used or intended for use in the commission of such offences;
 - c) In appropriate cases and if not contrary to domestic law, establish joint teams, taking into account the need to protect the security of persons and of operations, to carry out the provisions of this paragraph. Officials of any Party taking part in such teams shall act as authorized by the appropriate authorities of the Party in whose territory the operation is to take place; in all such cases, the Parties involved shall ensure that the sovereignty of the Party on whose territory the operation is to take place is fully respected;
 - d) Provide, when appropriate, necessary quantities of substances for analytical or investigative purposes;
 - e) Facilitate effective co-ordination between their competent agencies and services and promote the exchange of personnel and other experts, including the posting of liaison officers.
2. Each Party shall, to the extent necessary, initiate, develop or improve specific training programmes for its law enforcement and other personnel, including customs, charged with the suppression of offences established in accordance with article 3, paragraph 1. Such programmes shall deal, in particular, with the following:
- a) Methods used in the detection and suppression of offences established in accordance with article 3, paragraph 1;
 - b) Routes and techniques used by persons suspected of being involved in offences established in accordance with article 3, paragraph 1, particularly in transit States, and appropriate countermeasures;
 - c) Monitoring of the import and export of narcotic drugs, psychotropic substances and substances in Table I and Table II;
 - d) Detection and monitoring of the movement of proceeds and property derived from, and narcotic drugs, psychotropic substances and substances in Table I and Table II, and instrumentalities used or intended for use in, the commission of offences established in accordance with article 3, paragraph 1;
 - e) Methods used for the transfer, concealment or disguise of such proceeds, property and instrumentalities;
 - f) Collection of evidence;
 - g) Control techniques in free trade zones and free ports;
 - h) Modern law enforcement techniques.

3. The Parties shall assist one another to plan, and implement research and training programmes designed to share expertise in the areas referred to in paragraph 2 of this article and, to this end, shall also, when appropriate, use regional and international conferences and seminars to promote co-operation and stimulate discussion on problems of mutual concern, including the special problems and needs of transit States.

*Article 10*INTERNATIONAL CO-OPERATION AND ASSISTANCE
FOR TRANSIT STATES

1. The Parties shall co-operate, directly or through competent international or regional organizations, to assist and support transit States and, in particular, developing countries in need of such assistance and support, to the extent possible, through programmes of technical co-operation on interdiction and other related activities.
2. The Parties may undertake, directly or through competent international or regional organizations, to provide financial assistance to such transit States for the purpose of augmenting and strengthening the infrastructure needed for effective control and prevention of illicit traffic.
3. The Parties may conclude bilateral or multilateral agreements or arrangements to enhance the effectiveness of international co-operation pursuant to this article and may take into consideration financial arrangements in this regard.

Article 11

CONTROLLED DELIVERY

1. If permitted by the basic principles of their respective domestic legal systems, the Parties shall take the necessary measures, within their possibilities, to allow for the appropriate use of controlled delivery at the international level, on the basis of agreements or arrangements mutually consented to, with a view to identifying persons involved in offences established in accordance with article 3, paragraph 1, and to taking legal action against them.
2. Decisions to use controlled delivery shall be made on a case-by-case basis and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the Parties concerned.
3. Illicit consignments whose controlled delivery is agreed to may, with the consent of the Parties concerned, be intercepted and allowed to continue with the narcotic drugs or psychotropic substances intact or removed or replaced in whole or in part.

*Article 12*SUBSTANCES FREQUENTLY USED IN THE ILLICIT MANUFACTURE
OF NARCOTIC DRUGS OR PSYCHOTROPIC SUBSTANCES

1. The Parties shall take the measures they deem appropriate to prevent diversion of substances in Table I and Table II used for the purpose of illicit manufacture of narcotic drugs or psychotropic substances, and shall co-operate with one another to this end.

2. If a Party or the Board has information which in its opinion may require the inclusion of a substance in Table I or Table II, it shall notify the Secretary-General and furnish him with the information in support of that notification. The procedure described in paragraphs 2 to 7 of this article shall also apply when a Party or the Board has information justifying the deletion of a substance from Table I or Table II, or the transfer of a substance from one Table to the other.

3. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission, and, where notification is made by a Party, to the Board. The Parties shall communicate their comments concerning the notification to the Secretary-General, together with all supplementary information which may assist the Board in establishing an assessment and the Commission in reaching a decision.

4. If the Board, taking into account the extent, importance and diversity of the licit use of the substance, and the possibility and ease of using alternate substances both for licit purposes and for the illicit manufacture of narcotic drugs or psychotropic substances, finds:

- a) That the substance is frequently used in the illicit manufacture of a narcotic drug or psychotropic substance;
- b) That the volume and extent of the illicit manufacture of a narcotic drug or psychotropic substance creates serious public health or social problems, so as to warrant international action,

it shall communicate to the Commission an assessment of the substance, including the likely effect of adding the substance to either Table I or Table II on both licit use and illicit manufacture, together with recommendations of monitoring measures, if any, that would be appropriate in the light of its assessment.

5. The Commission, taking into account the comments submitted by the Parties and the comments and recommendations of the Board, whose assessment shall be determinative as to scientific matters, and also taking into due consideration any other relevant factors, may decide by a two-thirds majority of its members to place a substance in Table I or Table II.

6. Any decision of the Commission taken pursuant to this article shall be communicated by the Secretary-General to all States and other entities which are, or which are entitled to become, Parties to this Convention, and to the Board. Such decision shall become fully effective with respect to each Party one hundred and eighty days after the date of such communication.

7. a) The decisions of the Commission taken under this article shall be subject to review by the Council upon the request of any Party filed within one hundred and eighty days after the date of notification of the decision. The request for review shall be sent to the Secretary-General, together with all relevant information upon which the request for review is based.

b) The Secretary-General shall transmit copies of the request for review and the relevant information to the Commission, to the Board and to all the Parties, inviting them to submit their comments within ninety days. All comments received shall be submitted to the Council for consideration.

c) The Council may confirm or reverse the decision of the Commission. Notification of the Council's decision shall be transmitted to all States and other entities which are, or which are entitled to become, Parties to this Convention, to the Commission and to the Board.

8. a) Without prejudice to the generality of the provisions contained in paragraph 1 of this article and the provisions of the 1961 Convention, the 1961 Convention as amended and the 1971 Convention, the Parties shall take the measures they deem appropriate to monitor the manufacture and distribution of substances in Table I and Table II which are carried out within their territory.
- b) To this end, the Parties may:
 - i) Control all persons and enterprises engaged in the manufacture and distribution of such substances;
 - ii) Control under licence the establishment and premises in which such manufacture or distribution may take place;
 - iii) Require that licensees obtain a permit for conducting the aforesaid operations;
 - iv) Prevent the accumulation of such substances in the possession of manufacturers and distributors, in excess of the quantities required for the normal conduct of business and the prevailing market conditions.
9. Each Party shall, with respect to substances in Table I and Table II, take the following measures:
 - a) Establish and maintain a system to monitor international trade in substances in Table I and Table II in order to facilitate the identification of suspicious transactions. Such monitoring systems shall be applied in close co-operation with manufacturers, importers, exporters, wholesalers and retailers, who shall inform the competent authorities of suspicious orders and transactions.
 - b) Provide for the seizure of any substance in Table I or Table II if there is sufficient evidence that it is for use in the illicit manufacture of a narcotic drug or psychotropic substance.
 - c) Notify, as soon as possible, the competent authorities and services of the Parties concerned if there is reason to believe that the import, export or transit of a substance in Table I or Table II is destined for the illicit manufacture of narcotic drugs or psychotropic substances, including in particular information about the means of payment and any other essential elements which led to that belief.
 - d) Require that imports and exports be properly labelled and documented. Commercial documents such as invoices, cargo manifests, customs, transport and other shipping documents shall include the names, as stated in Table I or Table II, of the substances being imported or exported, the quantity being imported or exported, and the name and address of the exporter, the importer and, when available, the consignee.
 - e) Ensure that documents referred to in subparagraph d) of this paragraph are maintained for a period of not less than two years and may be made available for inspection by the competent authorities.
10. a) In addition to the provisions of paragraph 9, and upon request to the Secretary-General by the interested Party, each Party from whose territory a substance in Table I is to be exported shall ensure that, prior to such export, the following information is supplied by its competent authorities to the competent authorities of the importing country:
 - i) Name and address of the exporter and importer and, when available, the consignee;

- ii) Name of the substance in Table I;
 - iii) Quantity of the substance to be exported;
 - iv) Expected point of entry and expected date of dispatch;
 - v) Any other information which is mutually agreed upon by the Parties.
- b) A Party may adopt more strict or severe measures of control than those provided by this paragraph if, in its opinion, such measures are desirable or necessary.
11. Where a Party furnishes information to another Party in accordance with paragraphs 9 and 10 of this article, the Party furnishing such information may require that the Party receiving it keep confidential any trade, business, commercial or professional secret or trade process.
12. Each Party shall furnish annually to the Board, in the form and manner provided for by it and on forms made available by it, information on:
- a) The amounts seized of substances in Table I and Table II and, when known, their origin;
 - b) Any substance not included in Table I or Table II which is identified as having been used in illicit manufacture of narcotic drugs or psychotropic substances, and which is deemed by the Party to be sufficiently significant to be brought to the attention of the Board;
 - c) Methods of diversion and illicit manufacture.
13. The Board shall report annually to the Commission on the implementation of this article and the Commission shall periodically review the adequacy and propriety of Table I and Table II.
14. The provisions of this article shall not apply to pharmaceutical preparations, nor to other preparations containing substances in Table I or Table II that are compounded in such a way that such substances cannot be easily used or recovered by readily applicable means.

Article 13

MATERIALS AND EQUIPMENT

The Parties shall take such measures as they deem appropriate to prevent trade in and the diversion of materials and equipment for illicit production or manufacture of narcotic drugs and psychotropic substances and shall co-operate to this end.

Article 14

MEASURES TO ERADICATE ILLICIT CULTIVATION OF NARCOTIC PLANTS AND TO ELIMINATE ILLICIT DEMAND FOR NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES.

1. Any measures taken pursuant to this Convention by Parties shall not be less stringent than the provisions applicable to the eradication of illicit cultivation of plants containing narcotic and psychotropic substances and to the elimination of illicit demand for narcotic drugs and psychotropic substances under the provisions of the 1961 Convention, the 1961 Convention as amended and the 1971 Convention.

2. Each Party shall take appropriate measures to prevent illicit cultivation of and to eradicate plants containing narcotic or psychotropic substances, such as opium poppy, coca bush and cannabis plants, cultivated illicitly in its territory. The measures adopted shall respect fundamental human rights and shall take due account of traditional licit uses, where there is historic evidence of such use, as well as the protection of the environment.
3. a) The Parties may co-operate to increase the effectiveness of eradication efforts. Such co-operation may, *inter alia*, include support, when appropriate, for integrated rural development leading to economically viable alternatives to illicit cultivation. Factors such as access to markets, the availability of resources and prevailing socio-economic conditions should be taken into account before such rural development programmes are implemented. The Parties may agree on any other appropriate measures of co-operation.
- b) The Parties shall also facilitate the exchange of scientific and technical information and the conduct of research concerning eradication.
- c) Whenever they have common frontiers, the Parties shall seek to co-operate in eradication programmes in their respective areas along those frontiers.
4. The Parties shall adopt appropriate measures aimed at eliminating or reducing illicit demand for narcotic drugs and psychotropic substances, with a view to reducing human suffering and eliminating financial incentives for illicit traffic. These measures may be based, *inter alia*, on the recommendations of the United Nations, specialized agencies of the United Nations such as the World Health Organization, and other competent international organizations, and on the Comprehensive Multidisciplinary Outline adopted by the International Conference on Drug Abuse and Illicit Trafficking, held in 1987, as it pertains to governmental and non-governmental agencies and private efforts in the fields of prevention, treatment and rehabilitation. The Parties may enter into bilateral or multilateral agreements or arrangements aimed at eliminating or reducing illicit demand for narcotic drugs and psychotropic substances.
5. The Parties may also take necessary measures for early destruction or lawful disposal of the narcotic drugs, psychotropic substances and substances in Table I and Table II which have been seized or confiscated and for the admissibility as evidence of duly certified necessary quantities of such substances.
2. Each Party shall seek to ensure that commercial carriers and the appropriate authorities at points of entry and exit and other customs control areas co-operate, with a view to preventing unauthorized access to means of transport and cargo and to implementing appropriate security measures.

Article 15

COMMERCIAL CARRIERS

1. The Parties shall take appropriate measures to ensure that means of transport operated by commercial carriers are not used in the commission of offences established in accordance with article 3, paragraph 1; such measures may include special arrangements with commercial carriers.

2. Each Party shall require commercial carriers to take reasonable precautions to prevent the use of their means of transport for the commission of offences established in accordance with article 3, paragraph 1. Such precautions may include:

- a) If the principal place of business of a commercial carrier is within the territory of the Party:
 - i) Training of personnel to identify suspicious consignments or persons;
 - ii) Promotion of integrity of personnel;
- b) If a commercial carrier is operating within the territory of the Party:
 - iii) Submission of cargo manifests in advance, whenever possible;
 - iv) Use of tamper-resistant, individually verifiable seals on containers;
 - iii) Reporting to the appropriate authorities at the earliest opportunity all suspicious circumstances that may be related to the commission of offences established in accordance with article 3, paragraph 1

3. Each Party shall seek to ensure that commercial carriers and the appropriate authorities at points of entry and exit and other customs control areas co-operate, with a view to preventing unauthorized access to means of transport and cargo and to implementing appropriate security measures.

Article 16

COMMERCIAL DOCUMENTS AND LABELLING OF EXPORTS

1. Each Party shall require that lawful exports of narcotic drugs and psychotropic substances be properly documented. In addition to the requirements for documentation under article 31 of the 1961 Convention, article 31 of the 1961 Convention as amended and article 12 of the 1971 Convention, commercial documents such as invoices, cargo manifests, customs, transport and other shipping documents shall include the names of the narcotic drugs and psychotropic substances being exported as set out in the respective Schedules of the 1961 Convention, the 1961 Convention as amended and the 1971 Convention, the quantity being exported, and the name and address of the exporter, the importer and, when available, the consignee.

2. Each Party shall require that consignments of narcotic drugs and psychotropic substances being exported be not mislabelled.

Article 17

ILLICIT TRAFFIC BY SEA

1. The Parties shall co-operate to the fullest extent possible to suppress illicit traffic by sea, in conformity with the international law of the sea.

2. A Party which has reasonable grounds to suspect that a vessel flying its flag or not displaying a flag or marks of registry is engaged in illicit traffic may request the assistance of other Parties in suppressing its use for that purpose. The Parties so requested shall render such assistance within the means available to them.

3. A Party which has reasonable grounds to suspect that a vessel exercising freedom of navigation in accordance with international law, and flying the flag or displaying

marks of registry of another Party is engaged in illicit traffic may so notify the flag State, request confirmation of registry and, if confirmed, request authorization from the flag State to take appropriate measures in regard to that vessel.

4. In accordance with paragraph 3 or in accordance with treaties in force between them or in accordance with any agreement or arrangement otherwise reached between those Parties, the flag State may authorize the requesting State to, *inter alia*:

- a) Board the vessel;
- b) Search the vessel;
- c) If evidence of involvement in illicit traffic is found, take appropriate action with respect to the vessel, persons and cargo on board.

5. Where action is taken pursuant to this article, the Parties concerned shall take due account of the need not to endanger the safety of life at sea, the security of the vessel and the cargo or to prejudice the commercial and legal interests of the flag State or any other interested State.

6. The flag State may, consistent with its obligations in paragraph 1 of this article, subject its authorization to conditions to be mutually agreed between it and the requesting Party, including conditions relating to responsibility.

7. For the purposes of paragraphs 3 and 4 of this article, a Party shall respond expeditiously to a request from another Party to determine whether a vessel that is flying its flag is entitled to do so, and to requests for authorization made pursuant to paragraph 3. At the time of becoming a Party to this Convention, each Party shall designate an authority or, when necessary, authorities to receive and respond to such requests. Such designation shall be notified through the Secretary-General to all other Parties within one month of the designation.

8. A Party which has taken any action in accordance with this article shall promptly inform the flag State concerned of the results of that action.

9. The Parties shall consider entering into bilateral or regional agreements or arrangements to carry out, or to enhance the effectiveness of, the provisions of this article.

10. Action pursuant to paragraph 4 of this article shall be carried out only by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

11. Any action taken in accordance with this article shall take due account of the need not to interfere with or affect the rights and obligations and the exercise of jurisdiction of coastal States in accordance with the international law of the sea.

Article 18

FREE TRADE ZONES AND FREE PORTS

1. The Parties shall apply measures to suppress illicit traffic in narcotic drugs, psychotropic substances and substances in Table I and Table II in free trade zones and in free ports that are no less stringent than those applied in other parts of their territories.

2. The Parties shall endeavour:

- a) To monitor the movement of goods and persons in free trade zones and free ports, and, to that end, shall empower the competent authorities to search cargoes and incoming and outgoing vessels, including pleasure craft and fishing vessels, as well as aircraft and vehicles and, when appropriate, to search crew members, passengers and their baggage;
- b) To establish and maintain a system to detect consignments suspected of containing narcotic drugs, psychotropic substances and substances in Table I and Table II passing into or out of free trade zones and free ports;
- c) To establish and maintain surveillance systems in harbour and dock areas and at airports and border control points in free trade zones and free ports.

Article 19

THE USE OF THE MAILS

1. In conformity with their obligations under the Conventions of the Universal Postal Union, and in accordance with the basic principles of their domestic legal systems, the Parties shall adopt measures to suppress the use of the mails for illicit traffic and shall co-operate with one another to that end.

2. The measures referred to in paragraph 1 of this article shall include, in particular:

- a) Co-ordinated action for the prevention and repression of the use of the mails for illicit traffic;
- b) Introduction and maintenance by authorized law enforcement personnel of investigative and control techniques designed to detect illicit consignments of narcotic drugs, psychotropic substances and substances in Table I and Table II in the mails;
- c) Legislative measures to enable the use of appropriate means to secure evidence required for judicial proceedings.

Article 20

INFORMATION TO BE FURNISHED BY THE PARTIES

1. The Parties shall furnish, through the Secretary-General, information to the Commission on the working of this Convention in their territories and, in particular:

- a) The text of laws and regulations promulgated in order to give effect to the Convention;
- b) Particulars of cases of illicit traffic within their jurisdiction which they consider important because of new trends disclosed, the quantities involved, the sources from which the substances are obtained, or the methods employed by persons so engaged.

2. The Parties shall furnish such information in such a manner and by such dates as the Commission may request.

Article 21

FUNCTIONS OF THE COMMISSION

The Commission is authorized to consider all matters pertaining to the aims of this Convention and, in particular.

- a) The Commission shall, on the basis of the information submitted by the Parties in accordance with article 20, review the operation of this Convention;
- b) The Commission may make suggestions and general recommendations based on the examination of the information received from the Parties;
- c) The Commission may call the attention of the Board to any matters which may be relevant to the functions of the Board;
- d) The Commission shall, on any matter referred to it by the Board under article 22, paragraph 1 (b), take such action as it deems appropriate;
- e) The Commission may, in conformity with the procedures laid down in article 12, amend Table I and Table II;
- f) The Commission may draw the attention of non-Parties to decisions and recommendations which it adopts under this Convention, with a view to their considering taking action in accordance therewith.

Article 22

FUNCTIONS OF THE BOARD

1. Without prejudice to the functions of the Commission under article 21, and without prejudice to the functions of the Board and the Commission under the 1961 Convention, the 1961 Convention as amended and the 1971 Convention:

- a) If, on the basis of its examination of information available to it, to the Secretary-General or to the Commission, or of information communicated by United Nations organs, the Board has reason to believe that the aims of this Convention in matters related to its competence are not being met, the Board may invite a Party or Parties to furnish any relevant information;
- b) With respect to articles 12, 13 and 16:
 - i) After taking action under subparagraph (a) of this article, the Board if satisfied that it is necessary to do so, may call upon the Party concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of articles 12, 13 and 16;
 - ii) Prior to taking action under iii) below, the Board shall treat as confidential its communications with the Party concerned under the preceding subparagraphs;
 - iii) If the Board finds that the Party concerned has not taken remedial measures which it has been called upon to take under this subparagraph, it may call the attention of the Parties, the Council and the Commission to the matter. Any report published by the Board under this subparagraph shall also contain the views of the Party concerned if the latter so requests.

2. Any Party shall be invited to be represented at a meeting of the Board at which a question of direct interest to it is to be considered under this article.
3. If in any case a decision of the Board which is adopted under this article is not unanimous, the views of the minority shall be stated.
4. Decisions of the Board under this article shall be taken by a two-thirds majority of the whole number of the Board.
5. In carrying out its functions pursuant to subparagraph 1 a) of this article, the Board shall ensure the confidentiality of all information which may come into its possession.
6. The Board's responsibility under this article shall not apply to the implementation of treaties or agreements entered into between Parties in accordance with the provisions of this Convention.
7. The provisions of this article shall not be applicable to disputes between Parties falling under the provisions of article 32.

Article 23

REPORTS OF THE BOARD

1. The Board shall prepare an annual report on its work containing an analysis of the information at its disposal and, in appropriate cases, an account of the explanations, if any, given by or required of Parties, together with any observations and recommendations which the Board desires to make. The Board may make such additional reports as it considers necessary. The reports shall be submitted to the Council through the Commission which may make such comments as it sees fit.
2. The reports of the Board shall be communicated to the Parties and subsequently published by the Secretary-General. The Parties shall permit their unrestricted distribution.

Article 24

APPLICATION OF STRICTER MEASURES THAN THOSE REQUIRED BY THIS CONVENTION

A Party may adopt more strict or severe measures than those provided by this Convention if, in its opinion, such measures are desirable or necessary for the prevention or suppression of illicit traffic.

Article 25

NON-DEROGATION FROM EARLIER TREATY RIGHTS AND OBLIGATIONS

The provisions of this Convention shall not derogate from any rights enjoyed or obligations undertaken by Parties to this Convention under the 1961 Convention, the 1961 Convention as amended and the 1971 Convention.

Article 26

SIGNATURE

This Convention shall be open for signature at the United Nations Office at Vienna, from 20th December, 1988 to 28th February, 1989, and thereafter at the Headquarters of the United Nations at New York, until 20th December, 1989, by:

- a) All States;
- b) Namibia, represented by the United Nations Council for Namibia;
- c) Regional economic integration organizations which have competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention, references under the Convention to Parties, States or national services being applicable to these organizations within the limits of their competence.

*Article 27*RATIFICATION, ACCEPTANCE, APPROVAL OR ACT OF
FORMAL CONFIRMATION

1. This Convention is subject to ratification, acceptance or approval by States and by Namibia, represented by the United Nations Council for Namibia, and to acts of formal confirmation by regional economic integration organizations referred to in article 26, subparagraph (c). The instruments of ratification, acceptance or approval and those relating to acts of formal confirmation shall be deposited with the Secretary-General.
2. In their instruments of formal confirmation, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by this Convention. These organizations shall also inform the Secretary-General of any modification in the extent of their competence with respect to the matters governed by the Convention.

Article 28

ACCESSION

1. This Convention shall remain open for accession by any State, by Namibia, represented by the United Nations Council for Namibia, and by regional economic integration organizations referred to in article 26, subparagraph (c). Accession shall be effected by the deposit of an instrument of accession with the Secretary-General.
2. In their instruments of accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by this Convention. These organizations shall also inform the Secretary-General of any modification in the extent of their competence with respect to the matters governed by the Convention.

Article 29

ENTRY INTO FORCE

1. This Convention shall enter into force on the ninetieth day after the date of the deposit with the Secretary-General of the twentieth instrument of ratification, acceptance, approval or accession by States or by Namibia, represented by the Council for Namibia.
2. For each State or for Namibia, represented by the Council for Namibia, ratifying, accepting, approving or acceding to this Convention after the deposit of the twentieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of the deposit of its instrument of ratification, acceptance, approval or accession.
3. For each regional economic integration organization referred to in article 26, subparagraph (c) depositing an instrument relating to an act of formal confirmation or an instrument of accession, this Convention shall enter into force on the ninetieth day after such deposit, or at the date the Convention enters into force pursuant to paragraph 1 of this article, whichever is later.

Article 30

DENUNCIATION

1. A Party may denounce this Convention at any time by a written notification addressed to the Secretary-General.
2. Such denunciation shall take effect for the Party concerned one year after the date of receipt of the notification by the Secretary-General.

Article 31

AMENDMENTS

1. Any Party may propose an amendment to this Convention. The text of any such amendment and the reasons therefor shall be communicated by that Party to the Secretary-General, who shall communicate it to the other Parties and shall ask them whether they accept the proposed amendment. If a proposed amendment so circulated has not been rejected by any Party within twenty-four months after it has been circulated, it shall be deemed to have been accepted and shall enter into force in respect of a Party ninety days after that Party has deposited with the Secretary-General an instrument expressing its consent to be bound by that amendment.
2. If a proposed amendment has been rejected by any Party, the Secretary-General shall consult with the Parties and, if a majority so requests, he shall bring the matter, together with any comments made by the Parties, before the Council which may decide to call a conference in accordance with Article 62, paragraph 4, of the Charter of the United Nations. Any amendment resulting from such a Conference shall be embodied in a Protocol of Amendment. Consent to be bound by such a Protocol shall be required to be expressed specifically to the Secretary-General.

Article 32

SETTLEMENT OF DISPUTES

1. If there should arise between two or more Parties a dispute relating to the interpretation or application of this Convention, the Parties shall consult together with a view to the settlement of the dispute by negotiation, enquiry, mediation, conciliation, arbitration, recourse to regional bodies, judicial process or other peaceful means of their own choice.
2. Any such dispute which cannot be settled in the manner prescribed in paragraph 1 of this article shall be referred, at the request of any one of the States Parties to the dispute, to the International Court of Justice for decision.
3. If a regional economic integration organization referred to in article 26, subparagraph (c) is a Party to a dispute which cannot be settled in the manner prescribed in paragraph 1 of this article, it may, through a State Member of the United Nations, request the Council to request an advisory opinion of the International Court of Justice in accordance with Article 65 of the Statute of the Court, which opinion shall be regarded as decisive.
4. Each State, at the time of signature or ratification, acceptance or approval of this Convention or accession thereto, or each regional economic integration organization, at the time of signature or deposit of an act of formal confirmation or accession, may declare that it does not consider itself bound by paragraphs 2 and 3 of this article. The other Parties shall not be bound by paragraphs 2 and 3 with respect to any Party having made such a declaration.
5. Any Party having made a declaration in accordance with paragraph 4 of this article may at any time withdraw the declaration by notification to the Secretary-General.

Article 33

AUTHENTIC TEXTS

The Arabic, Chinese, English, French, Russian and Spanish texts of this Convention are equally authentic.

Article 34

DEPOSITARY

The Secretary-General shall be the depositary of this Convention.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE AT VIENNA, in one original, this twentieth day of December one thousand nine hundred and eighty-eight.

ANNEX

**Revised Tables including the amendments made by the
Commission on Narcotic Drugs in force as of 8 December 2001**

Table I

Acetic anhydride
N-acetylanthranilic acid
Ephedrine
Ergometrine
Ergotamine
Isosafrole
Lysergic acid
3,4-methylenedioxyphenyl-2-propanone
Norephedrine
1-phenyl-2-propanone
Piperonal
Potassium permanganate
Pseudoephedrine
Safrole

The salts of the substances listed in this Table whenever the existence of such salts is possible.

Table II

Acetone
Anthranilic acid
Ethyl ether
Hydrochloric acid
Methyl ethyl ketone
Phenylacetic acid
Piperidine
Sulphuric acid
Toluene

The salts of the substances listed in this Table whenever the existence of such salts is possible (the salts of hydrochloric acid and sulphuric acid are specifically excluded)